Why America Needs Religion — *A Christmas Essay by William E. Simon Jr.*

CALIFORNIA ★ POLITICAL
REVIEW
November/December 2001 • VOLUME 12 • NUMBER 6 • $3.50

The Best of a Bad Lot?
Ray Haynes & Ted Costa Debate
The Redistricting Deal

Marriage Parasites
Nullifying Prop. 22
by James Bemis

009301106
$ 3.50*

The Daily Examiner
SEPTEMBER 1, 2004

COLUMN LEFT

Cox, Royce 'Appalled'

• 'We never expected this!' say stunned lawmakers. They evidently thought they had state sewed up for Bush.

By FRANCOIS DUCLOS
DAILY EXAMINER STAFF WRITER

LOS ANGELES — Seeming unusually dumbfounded, even for members of Congress, several veteran Republican lawmakers expressed exasperated disbelief at news that the man they worked to elect governor had betrayed their party. "The idea was to get a Republican, any Republican, in the governor's office," said a high-level GOP operative. "We knew that meant losing on guns

Riordan Backs Democrat

Maverick Governor Snubs Bush's 2004 Re-election Bid

• Sends Challenger Really Big Check

By FREDERICK WOODROW
DAILY EXAMINER STAFF WRITER

SACRAMENTO — Just as Golden State Republicans were beginning to feel a little less stressed out, having only last week talked the state's unpredictable Governor Richard Riordan out of switching his registration to the Democrat party, 'Tricky Dick,' as some GOP office holders are beginning

Democrats Jubilant; Say Announcement 'Expected'

• 'Don't they remember Tom Bradley?'

By JAMES JAMESON
DAILY EXAMINER STAFF WRITER

LOS ANGELES — Soon after the current governor's election, high-

Headlines in state GOP's future?

Republican Self-Mutilation

Dick Riordan's run for governor

George Neumayr

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Read Capitol Watch ...
Every Friday

CPR's timely, quick-reading weekly edition
e-mailed directly to you

Now included in every *California Political Review* subscription, Capitol Watch — the perfect *CPR* companion — appears first-thing Fridays, covering events up to the night before. Never more than one page, *CW* is always a quick read, but packed with information. As one busy executive said: "I pick up *Capitol Watch* with my morning coffee and, by the time I reach my desk, I've read it."

3-Month *CPR-CW* Trial Subscription

12 issues of Capitol Watch and **two issues** of *California Political Review*

Just $5.95!

3 ways to order: **1)** Visit our website: **www.cppf.org** or **2)** Call: **1-800-887-7676** or **3)** Mail this form to the address below

Name _____ Address _____ City _____

State _____ Zip _____ E-Mail Address (**REQUIRED to receive Capitol Watch**): _____

Check enclosed (payable to California Public Policy Foundation): ___ Credit Card: MC ___ Visa ___ Exp. Date _____

Credit Card # _____ Signature _____

California Political Review, P.O. Box 931 Camarillo, California 93011-0931, *www.cppf.org*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CALIFORNIA★POLITICAL
REVIEW

NOVEMBER/DECEMBER 2001 • VOLUME 12 • NUMBER 6

FEATURES

COVER ARTICLE: Republican Self-Mutilation By George Neumayr 18

Dick Riordan's Run for Governor

Attaining a level of political sagacity last seen when they rallied 'round Dan Lungren, Republican sages conclude that the best candidate to defeat Gray Davis is one of Davis' more generous financial donors.

Marriage Parasites By James Bemis 12

The energy crisis is still with us, the once-massive surplus is but a glimmer of the past, and a major recession looms. So what do Davis and the Legislature do? Launch a sneak attack on the family, of course!

A *CPR* Debate: The Best of a Bad Lot? Ray Haynes, Ted Costa 14

Resolved: The redistricting agreement between GOP and Democrat legislators was Republicans' best alternative for the people of California. Sen. Ray Haynes argues the Positive; Mr. Ted Costa the Negative.

Why America Needs Religion By William E. Simon, Jr. 23

A Christmas Essay: It is not too much to say that as faith goes in America, so goes freedom.

Islam or Islamism? By Carl Pearlston 28

Bin Laden's murderers are not mainline Islam; but neither are they merely a deranged fringe cult utterly foreign to Islam. Violent Islamism's long, bloody war against the West is as old as Islam itself.

DEPARTMENTS

Correspondence 2
Sacramento Spectator 3
The Law By Mark S. Pulliam 4
The Front Line 5
Facts on Gun Control By Sam Paredes 6
Legislative File 7
Midnight Economist By William R. Allen 9
The Working Press By Tim W. Ferguson 10

ARTS & CULTURE

Criticus By G.B. Tennyson 31

Goodbye, Golly! — Woe and lamentation. Robertson's marmalade's familiar, loved image falls victim to the P.C. Patrols' war against everything old, venerable, and loved.

Books 36

Spark's Tract By Jack Stevens

A disurbing tale: what can happen when the ultra-Greens make common cause with the vestiges of Sixties radicalism.

Reviewed by Peter Hannaford

A PUBLICATION OF THE CALIFORNIA PUBLIC POLICY FOUNDATION

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

CALIFORNIA★POLITICAL
REVIEW

A PUBLICATION OF THE
CALIFORNIA PUBLIC POLICY FOUNDATION

JOHN KURZWEIL
EDITOR & PUBLISHER

JAN EDWARDS
MANAGING EDITOR

CONTRIBUTING EDITORS
DAN BRENNAN
LEON MCKINNEY • *WASHINGTON LETTER*
MARK S. PULLIAM • *LEGAL ISSUES CORRESPONDENT*
WILLIAM R. ALLEN • *ECONOMICS CORRESPONDENT*
TIM W. FERGUSON • *THE WORKING PRESS*
G.B. TENNYSON • *ARTS & CULTURE*

GENE FOLEY • *BUSINESS MANAGER*
PAUL MCCAULEY • *BUSINESS SERVICES*

EDITORIAL BOARD
JAMES BEMIS, DANIEL J. GRIMM
PETER HANNAFORD, HAROLD JOHNSON
MANUEL S. KLAUSNER, JOHN KURZWEIL
GEORGE NEUMAYR, WILLIAM RUSHER
WILLIAM E. SARACINO, ANDREW ZEPEDA

California Political Review (ISSN 1075-3079) is published bimonthly by the California Public Policy Foundation. Send address changes, manuscripts, and Correspondence to: Editor, *California Political Review*, Post Office Box 931, Camarillo, CA 93011-0931. Correspondence may be condensed due to space limitations. Unsolicited manuscripts should be accompanied by a stamped, self-addressed envelope. Signed articles express their authors' opinions and do not necessarily reflect the views of the California Public Policy Foundation which does not endorse or oppose candidates or intervene in any candidate election campaign. Unsigned editorials express the editors' opinions and not necessarily the views of the California Public Policy Foundation. Rates: $19.95 yearly (six issues). Outside U.S. add $4/year surface, $20 for airmail. *California Political Review* is copyright © 2001 by the California Public Policy Foundation.

California Political Review (ISSN 1075-3079) is published bimonthly for $19.95 per year by the California Public Policy Foundation, 4656 Saloma Avenue, Sherman Oaks, CA 91403. Periodical Postage Paid at Van Nuys, CA, and additional mailing offices. POSTMASTER: Send address changes to *California Political Review*, P.O. Box 931, Camarillo, CA 93011-0931.

CORRESPONDENCE

The Parsky Plan

I just read "The Parsky Plan" (*CPR*, Sept./Oct.) and I want to thank you for such a wealth of information and analysis! (I too read Steinberg's *National Review Online* pieces and kept wondering why such great — free! — advice wasn't being implemented.)

Cynthia Crowe
Anaheim Hills

The Simon Exchange

As always, I enjoyed the point-counterpoint debate in the recent *CPR* regarding Bill Simon's candidacy ("William E. Simon, Jr., Republican for Governor," July/August). The lively exchange between George Neumayr and William Saracino gave readers a chance to see both sides and decide for themselves. I'm rarely persuaded by a one-sided editorial, because I do not know what the writer is withholding from me, unless I happen to be familiar with the subject. The debate format gives me confidence that I have seen the best of both sides, especially when presented by such notables as Neumayr and Saracino.

Having read the *CPR* analysis, met Bill Simon, and spoken with his advisors, I have decided to support Simon. On substance, he is pro-life, supports the Second Amendment, is for preservation of marriage, and is against affirmative action. Simon's chief opponent, Richard Riordan, opposes the conservative view on each of those issues. On form, Simon lacks the fire of Alan Keyes, but is still eloquent and polished. Even if he is not exciting, he comes off thoughtful and serious, which California seems to prefer anyway (see Gray Davis). Simon may not be the best conservative possible, but he is certainly the best conservative candidate that can possibly beat Gray Davis.

Raymond J. Tittmann
Walnut Creek

Tell Your Friends

I have been reading *CPR* magazine, *CPR Online*, and *Capitol Watch* briefings for about two weeks now and just wanted to tell you how informative they have been. Thanks so much for asking me to subscribe.

Mark Bogetich
Sacramento

STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION, 10/2/01

Title: California Political Review (ISSN 1075-3079). Frequency: Bi-monthly. Six issues annually. Subscription price: $19.95. Location of publication office: 4656 Saloma Ave., Sherman Oaks, Los Angeles County, CA 91403. Contact: John Kurzweil, 805/445-9183. Publisher's Mailing Address: PO Box 931, Camarillo, CA 93011-0931. Publisher: The California Public Policy Foundation, PO Box 931, Camarillo, CA 93011-0931. Editor: John Kurzweil, PO Box 931, Camarillo, CA 93011-0931. Managing Editor: Jan Edwards, PO Box 931, Camarillo, CA 93011-0931. Owner: The California Public Policy Foundation, PO Box 931, Camarillo, CA 93011-0931. Publication name: California Political Review. Issue date for circulation data below: Sept/Oct 2001.

Extent and nature of circulation	Avg. copies each issue preceeding 12 months	Actual copies of single issue pub. nearest to filing date
A. Total no. copies printed	2201	2891
B1. Out-of-County paid circulation periodicals mail	1129	1988
B2. In County paid circulation, mail	235	236
B3. Paid circulation, Newstands	8	8
B4. Other paid, mail circulation	3	20
C. Total paid circulation	1375	2252
D1. Out-of-County free distribution periodicals mail	323	309
D2. In County free distribution periodicals mail	60	58
D3. Other free distribution by mail	0	0
E. Free distribution, not mail	30	42
F. Total free distribution	413	409
G. Total distribution	1788	2661
H. Copies not distributed	413	230
I. Total	2201	2891
J. Percent paid and/or requested circulation	77%	85%

I certify that the statements made by me above are correct and complete. John Kurzweil, Editor

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SACRAMENTO SPECTATOR

So how did the weak-kneed Republican Assembly members, who sold out their caucus by caving in and supporting Gray Davis' deficit budget, fare in redistricting? Well let's just say that when Republican Senate Leader Jim Brulte drew the new GOP Senate maps he did not, evidently, forget about those members who bailed on Dave Cox during the annual budget melee.

Last minute adjustments by political cartographers placed loyal Assemblyman Sam Aanestad in the same open Senate seat as pro-budget Assmblyman Dick Dickerson, casting Dickerson's future in the Senate in doubt.

Assmblyman Anthony Pescetti has *no* Senate seat to run for after his final term ends in 2004. In fact, Pescetti is also going to draw a primary challenge from Lodi-based Dr. Alan Nakanishi who came within an eyelash of upsetting Senator Mike Machado last year. It could be that the honorabe Mr. Pescetti sees the handwriting on the wall. A variety of sources tell your *Spectator* that Pescetti, a past chairman of the Sacramento Municipal Utility District, is looking for a job, possibly with the Federal Energy Regulatory Commission.

Assemblyman Dave Kelley's Assembly seat was essentially taken out from under him in the remapping and he has announced his retirement. And finally, Fresno Assemblyman Mike Briggs is finding almost no support from colleagues in his bid for the new GOP congressional seat. Party discipline. What a concept!

Democrat Party mouthpiece Bob Mulholland has been a pain in Republicans' posterior for a long time. Mulholland is so obnoxious and rude he makes Paul Begala seem like Fred Rogers.

Now Mulholland is getting some comeuppance in his home Butte County, where he and his wife, Butte County Supervisor Jane Dolan, have been left-wing fixtures, leading the Chico-area Democrat apparatus for nearly three decades. Their base has been Dolan's supervisorial seat — a seat secured by a Supe district gerrymandered around the Cal State campus.

But now the Butte Board of Supervisors' GOP majority is advancing a fair redistricting plan that obliterates Dolan's seat. Needless to say, she and Bob are not happy. They are qualifying a referendum for the spring ballot. GOP sources on the ground in Butte are confident they'll win at the ballot box and, if necessary, in court.

California Bush go-to man Gerald Parsky has reportedly conducted final interviews for United State's Attorney positions in California. Assemblyman Rod Pacheco is supposedly waiting to hear if Bush will give him the federal job he covets or, if not, the termed-out Pacheco is thought to be looking at taking on Attorney General Bill Lockyer. Your *Spectator* believes Pacheco should get on with planning an AG run since the Bushies reportedly like him about as much as the old man liked broccoli.

Abel Maldonaldo is the White House's California Latino pol *du jour,* not Rod. Maldonaldo was at the White House for the Vicente Fox state dinner while Pacheco was parked back in Sacramento waiting for Parsky to call.

What did Pacheco do to get a sentence in Bush Siberia? When he was Assembly GOP leader he referred to some of his colleagues who were out in front on the draft-Bush effort as "clowns." Uh ooops.

— A. P. C.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Some Realism About Activism

Judicial Activism is Transforming the Rule of Law into the Rule of Lawyers

MARK S. PULLIAM

MANY LIBERALS deny the phenomenon of judicial activism — or blame conservative jurists as the culprits — but the poster boy of activism, veteran Ninth Circuit Judge Stephen Reinhardt, proves that liberal denial is either delusional or deceitful. Reinhardt, you see, is the quintessential liberal activist judge. He wakes up in the morning asking himself, "How can I impose my personal predilections on an unconsenting public today?" Thus, the judicial decisions he authors invariably coincide with what the ACLU would desire as a policy outcome. (Conveniently, he is married to the head of the ACLU's Southern California chapter.) Reinhardt's activism is so virulent it is contagious. His very presence on a three-judge panel (the typical format for decision making on the Ninth Circuit and most other appellate courts) can cause otherwise sensible judges to abandon reason and restraint.

For example, in *Gerber v. Hickman,* a Ninth Circuit decision issued on September 5, a two-judge panel majority that included Reinhardt ruled that a violent felon serving a life sentence in a California state prison has a constitutional right to procreate. Not in the abstract, mind you, and not after he is released from prison (no one was proposing that he be sterilized), but while he serves his sentence. The court held that a prisoner incarcerated for life, and by definition denied most of the liberties and privileges available to ordinary citizens, including the right of conjugal visitation, nevertheless enjoys the "fundamental" right to procreate behind bars! (And to think that this important constitutional protection had gone unrecognized for more than 200 years!) Accordingly, the Ninth Circuit reversed a lower court's denial of the prisoner's request to send his semen through the mail to inseminate his wife artificially.

The dissenting judge, Barry Silverman, observed caustically that "the majority's reading of the Constitution is as unprecedented as it is ill-conceived." Indeed, prior to September 5, no court anywhere had ever upheld such a right in a reported decision, and, not surprisingly (since prisoners have ample time, law books, and ingenuity at their disposal), many courts had rejected the claim. The ludicrous *Gerber* opinion was written by a retired judge visiting from another court, the Eighth Circuit, but Reinhardt cast the deciding vote and his influence is manifest.

Reinhardt specializes in this type of outrageous ruling. He is America's most frequently reversed judge. In some years, the U.S. Supreme Court reverses *every one* of his decisions that is appealed. (Unfortunately, the Supreme Court cannot review all of his decisions, so many are left standing.) The editor of the liberal-leaning legal newspaper, *The Recorder,* ridiculed Gerber as exhibiting the Ninth Circuit's "indefatigable judicial death wish," referring to the Ninth Circuit's reputation as "the laughing-stock of the federal judiciary" and the decision's near-certain reversal by the U.S. Supreme Court.

EVEN CALIFORNIA Attorney General Bill Lockyer, who previously seemed to condone homosexual rape among prisoners — at least if the victim is a corporate executive — draws the line at procreation by prisoners. The state of California, whom Lockyer represents in court, is appealing the ruling in *Gerber* directly to the U.S. Supreme Court (dispensing with the customary petition for rehearing before the entire Ninth Circuit) and seeking a stay pending review. Lockyer is correct to complain that the loopy *Gerber* decision throws the lower courts into conflict and opens the door to even more extreme claims that may have dire implications on society gen-

Mark S. Pulliam, California Political Review's *legal issues correspondent, is an attorney in private practice in San Diego.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE FRONT LINE

After the Parsky debate

Following the debate over control of the state GOP and Gerry Parsky's proposed bylaws changes, a more important question than whether the chairman retains power may be whether a conservative movement remains in California to make control of the Party a worthwhile means by which to promote the movement's goals.

First: the changes. With no one wanting a fight over CRP bylaws with the outbreak of terrorist war, Chairman Shawn Steel compromised with Parsky on redefining the roles of elected Party officers, particularly the chairman, and also of the governing board and CRP staff. The Party will retain a degree of independence from GOP office holders, but it resides now more in the board than with the chairman. Still, the chairman could continue to exercise strong influence over the CRP's philosophical tone.

He will nominate all chairmen and committee members of all standing committees. A board majority can reject his nominations for six of those committees. If no action is taken, the nominations are deemed approved. The chairman thus retains the initiative in setting the Party's broad philosophical tone. The chairman's control over staff is diminished, but a strong chairman will still be able, by working with the board and the Party Operations committee, to exert significant influence over staffing.

And, following the agreement, the Party should receive considerable funding for Party building. In a letter to GOP activists, Steel said "Gerry Parsky and [CRP Finance Chairman] Tom Stephenson have fully committed [on] their honor to raise large sums of money to cover our Board-approved [$12 million] budget," mainly for voter registration and get-out-the-vote.

The end result is a dispersal of the chairman's power to the board, with more board members. If conservatives want to control the direction of the Party they will have to work harder in more places throughout the state to elect more board members. The chairmanship will no longer be enough.

But control of the Party becomes almost irrelevant if the California conservative movement implodes. Some conservatives with formerly solid conservative credentials are backing Dick Riordan's gubernatorial campaign. Riordan has done more for left-wing ideology (and Democrats) than Gray Davis. He expressed support for gun control, higher taxes, more government spending, and more government intrusion into our lives. He has backed Dianne Feinstein, Gray Davis, Tom Bradley, Bill Clinton, and a few Republicans. If the choice is Davis or Riordan, conservatives wanting to support the "more" conservative candidate would have to work for Davis.

But — welcome to implosion: conservatives like Senator Dick Ackerman and former Christian Coalition Chairman Sarah Hardman have said they would support Riordan. Shawn Steel, whom conservatives backed for CRP chairman, has made his preference for Riordan clear.

With Riordan as Party nominee, the conservative cause, as the state Party has known it since Ronald Reagan, would be as dead as it was in the Supreme Court under Earl Warren. The Warren Court, by the way, makes an apt metaphor for a Riordan GOP gubernatorial candidacy: trusted by naive Republicans, and nominally a Republican himself, Warren launched the modern era of left-wing judicial activism. Eisenhower's Warren nomination was arguably the worst mistake made by a GOP leader in history. But Republican support of Riordan may compete for that dubious honor before the end. CPR

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

erally (such as the right of female prisoners to bear children in prison). But that is true of many activist decisions that Lockyer has not criticized in the past.

Gerber v. Hickman is no worse than the other activist rulings that frequently — and, unfortunately, routinely — emerge from Reinhardt's chambers. Here is a representative sampling of Reinhardt's jurisprudence: cursing at the police (using the "f" word, to be precise) is protected by the First Amendment and cannot form the basis of a "disorderly conduct" charge (*U.S. v. Poocha);* an employee with an obsessive compulsive disorder who was chronically late for (or absent from) work because she spent hours dressing and grooming herself cannot be disciplined or terminated because her condition is protected by the Americans With Disabilities Act (*Humphrey v. Memorial Hospitals Ass'n);* cross-dressing male prisoners (*i.e.,* inmates who dress as women) are protected against harassment while in prison by gender-based civil rights laws (*Schwenk v. Hartford);* the Constitution guarantees a "liberty right" to physician-assisted suicide (*Washington v. Glucksberg);* and convicted child molesters cannot be forced to register as sex offenders by a law passed after they completed their sentences (*Doe v. Otte).*

AT THE same time he is manufacturing bogus rights on behalf of perverts and misfits, Reinhardt refuses to enforce the bona fide rights of ordinary citizens such as property owners. In *Tahoe Sierra-Preservation Council v. Tahoe Regional Planning Agency,* Reinhardt ruled that a "temporary" (4 1/2 years) prohibition of all private construction near Lake Tahoe could not be challenged as a "taking" because it was not permanent, despite U.S. Supreme Court precedents holding that lengthy, even though "temporary," takings are compensable.

This sorry "legacy" of activist decisions earned Reinhardt the "Lifetime Achievement Award" from the Family Research Council in 1998 as part of its tongue-in-cheek "Court Jester Award" competition.

WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

By SAM PAREDES

A few weeks ago, if I had said that four commercial airline jets would be hi-jacked by suicidal, freedom-hating maniacs and used as guided missiles on American soil, I would have been hauled off to the funny farm. September 11 changed everything. Now commentary regarding the potential for terrorist threats to the West Coast aren't dismissed, but are actually being considered.

President Bush's response to the terrorist attacks on the East Coast has been to mobilize our entire military and the reserves in preparation for war. Many believe the danger could be so vast that our military might not be able to cover all the bases.

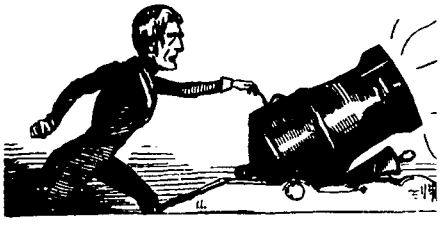
Where does that leave us?

With the Second Amendment!

Sam Paredes is executive director of Gun Owners of California.

Our forefathers knew that the responsibility for defending individuals, and America as a whole, belonged to every member of the militia. The militia consists of every law-abiding adult male over 17 years of age, according to the Founding Fathers.

America has had a rude and ugly awakening about the importance of our constitutionally-guaranteed right of self-defense. Gun sales have skyrocketed nationwide. Firearms training courses are booked solid through December. Gun ranges are having to limit time on the firing lines to accommodate the throng of shooters. Ammunition sales are being rationed because of limited supply. And applications for concealed weapons permits are on the way up.



The Brady Center to Prevent Gun Violence has laid off 20 percent of its staff and a referendum to overturn a Michigan Concealed Weapons permit law was dropped for lack of support. Even more shocking: anti-gun stalwarts like Joe Liberman want to arm airline pilots and anti-gun and anti-Bush columnists' tunes are changing.

It's a shame that it takes an evil atrocity committed against this country to jolt people from their apathetic stupor. Maybe our Founding Fathers weren't so dumb after all when they wrote, "A well regulated Militia being necessary for the security of a free State, the right of the people to keep and bear arms shall not be infringed." CPR

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LEGISLATIVE FILE

Both Parties' legislative leaders adopted a California redistricting plan, debated later in this issue (page 14). But the carefully worked-out deal could be wrecked by, of all things, the GOP's apparently effective redistricting of *Texas*. Dems need a six-seat pick-up to take the House, with only 50 competitive races nationally — *i.e.*, they must win 31 of the 50.

Now national Democrats think they could lose nine seats in Texas. Combined with the California deal to maintain, almost, the *status quo* (Dems would pick up only the one seat added here because of increased population), the steep Texas loss increases their House-winning minimum to 36 or, possible, 40 out of 50 — a virtually impossible 72 to 80 percent win rate.

So, national Dems are thinking of targeting their California brethren's deal with the GOP, believing that a tougher fight for seats here could mean as many as five or six new Dems to help make up for Texas. How might they proceed? The *Washington Post* reported a possible "major fight within the Democratic Party" as the national Party gives "tacit, or even direct, aid to Hispanic groups challenging the California redistricting plan." Keep an eye on this decidedly non-dormant volcano.

Four years ago, Democrat legislators, assisted by always-ready-to-compromise Pete Wilson, prevented much of the federal welfare reform plan from taking effect in California. Now we can see from national results what has been lost. A new Heritage Foundation "Backgrounder," "The Good News About Welfare Reform," reports that across the country poverty, dependency, and illegitimacy are sharply down alongside rising employment and stronger families. 4.2 million

fewer Americans live in poverty now than in 1996, the year Congress replaced Aid to Families with Dependent Children (AFDC) with Temporary Assistance to Needy Families (TANF).

Greatest decreases in child poverty have come among black children. Single mothers' poverty rate is now the lowest in U.S. history. Hunger among children has been nearly halved. "Since the beginning of the War on Poverty," the report states, "the share of births that are outside marriage had increased relentlessly at nearly one percentage point per year." Now, "the out-of-wedlock birth rate has remained almost flat for the past five years, and among blacks it has actually dropped."

Of course, for Sacramento Democrats, strong families are a repressive, dark ages relic and financially independent people are enemies (*i.e.*, Republicans), so don't expect the national results to do anything but reinforce liberals' fear of reform. Read the full report at: *www.heritage.org/library/backgrounder/bg1468.html*

Instead, our Sheila Kuehl-inspired lawmakers concentrated, this past session, on attacking the family further: passing AB 25 (one of many Defense of Marriage initiative-nullifying efforts) assigning spousal rights to non-spouses; AB 194 (mercifully vetoed by Gov. Davis) to force court officials dishonestly to alter birth certificates from "male" to "female" at the request of men unsure of their gender; AB 1475 (at press time, on Davis' desk), to harass religious hospitals slow to seek homosexuals or other deviants as employees or administrators; and a long list of anti-Boy Scouts bills that threaten everyone's First Amendment rights. As Kuehl said in a floor debate on gun control: "There is only one constitutional right in the United States which is absolute and that is your right to believe anything you want" — and that, no doubt, only as long as Sheila says so. *See* Campaign for California Families' website: *www.savecalifornia.com* CPR

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

(Other winners received the "Invisible Ink Award" for judges who can see things in the Constitution no one else can, the "See No Evil Award" for judges who insist that criminals are the victims of society, etc.)

PERHAPS THE clearest indication of Reinhardt's judicial philosophy came in the words he spoke in tribute to the late Rose Bird, the notorious activist overwhelmingly rejected by California voters in 1986. In his 1999 eulogy for Bird, whose removal from the bench he described as a "black mark on this state's history," Reinhardt extolled that "she was just too good, too pure to be a part of this highly political judicial world of ours." In Reinhardt's view, "Rose Bird ennobled the judiciary"; her critics were "pygmies" who acted in a "vindictive and mean-spirited manner."

Reinhardt's words perfectly express the elitist contempt felt by the left toward our bourgeois culture and democratic institutions. It is apparent Reinhardt rejects the proper role of the judiciary in our system of government. He views courts as "Platonic Guardians," with the authority to make policy as if they were part of the legislative branch, but with no political accountability. (Those who disagree with arbitrary decisions by unelected judges are "pygmies.") For 20 years Reinhardt has consistently usurped the roles of the government's other branches. How can someone so obviously unfit to serve as a judge be tolerated in that capacity? If a legislator insisted on wearing black robes and banging a gavel, he would be the subject of mockery. If an executive insisted on re-writing legislation rather than implementing it, he would be recalled, or impeached. Why should judges be allowed to disregard their proper role with impunity?

The short answer is that federal judges, once appointed and confirmed, serve for life. The longer answer is that, as a result of the triumph of the legal movement called "Legal Realism" in the early part of the 20th century, discerning "the law" was deemed to be an indeterminate and subjective process, in which judges invariably display their personal biases and class interests. Realists scorned the premise of the Rule of Law — that judges' exercise of logic and objective application of precedent could produce a predictable, "correct" answer — as a myth. As a result, judges are no longer constrained by past decisions (the doctrine of *stare decisis),* and increasingly disregard even the clear text and plain meaning of statutes and constitutional provisions in order to achieve a particular result.

In general, liberals applaud this development (even if, as demonstrated by *The Recorder's* reaction, they are sometimes embarrassed by Reinhardt's brazen, in-your-face approach, which they feel calls unnecessary attention to something that is supposed to occur unnoticed) because they have discovered it is easier to enact the liberal agenda through litigation than though legislation. Unfortunately, Reinhardt's activism is not unique. Most judges are far more subtle, and engage in activism only occasionally, rather than all the time, but the philosophy of Legal Realism is deeply ingrained in the judicial mind. In many cases, judges engage in activism without even thinking about it.

Thus, judicial activism and the conduit through which it operates, litigation, have become the principal public policy vehicle of the left. Since lawyers are indispensable to the conduct of litigation, they have become the beneficiaries of Legal Realism, seeing their role expand beyond that of commercial scribes into a "mandarin class," with the heightened status and affluence one might expect from the conferral of largely unchecked power. Lawyers are far more numerous than judges, and in many ways have become more powerful as a group than the activist judiciary that anointed them. Lawyers can bully and even bankrupt entire industries with individual and class action lawsuits. Litigating organizations such as the ACLU are ubiquitous. In addition to suing, lawyers propose laws, lobby the legislature, occupy influential positions on legislative staffs, and control many administrative agencies and executive departments. Legalese is the language of regulators and bureaucrats at every level of government. Mindful of the source of this largess, the legal establishment has, in turn, become a leading apologist for judicial activism and the liberal political agenda it relentlessly promotes. This explains why the organized bar (such as the ABA) has become such a vocal interest group, in particular supporting the "independence of the judiciary."

A RECENT CALIFORNIA SUPREME COURT decision, *Flannery v. Prentice,* sheds light on the peculiar symbiosis operating between lawyers and activist judges. The issue in *Flannery* was deceptively prosaic: absent an agreement, under California's employment anti-discrimination statute (the state law version of Title VII), to whom is the award of "prevailing party" attorneys' fees payable — the client or the lawyers? The statute (the Fair Employment and Housing Act, or "FEHA") authorizes

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fee awards "to the prevailing party." In *Flannery,* a jury awarded the plaintiff $250,000 in damages, and the trial court awarded an additional $1 million in attorneys' fees. The plaintiff and her lawyers fought over who would keep the latter award. (You may wonder how the attorneys' fees awarded could possibly be four times the amount of damages, or why courts award attorneys' fees other than the standard 40 percent contingency fee arrangement, but such reasonable inquiries go beyond the scope this column. Your correspondent will explain this in a later column.)

The Court concluded by a 5-1 vote (with only Justice Kennard dissenting) that despite the clear language of the statute and (non-binding) federal cases to the contrary, attorneys' fees awarded to the "prevailing party" belong to the lawyers, not the client. The basis for this conclusion is that giving the fees to the client might discourage lawyers from bringing lawsuits. To most people, lawsuits are a curse, a bane, the equivalent of a debilitating disease. To judges (whose power, remember, depends on a steady volume of litigation), however, lawsuits are good. Litigation should be rewarded to encourage more of it! (I'm not making this up.) As the Court explained in *Flannery:*

> [P]rivately initiated lawsuits are often essential to the effectuation of the fundamental public policies embodied in constitutional or statutory provisions .... [W]ere we to interpret [the FEHA] as plaintiff urges, vesting ownership of fees awarded thereunder and not disposed of by contract to the litigant, rather than in counsel, we would diminish the certainty that attorneys who undertake FEHA cases will be fully compensated, and to that extent we would dilute [FEHA's] effectiveness at encouraging counsel to undertake FEHA litigation.

This is close to a bald judicial admission that litigation exists for the benefit of the lawyers rather than the parties.

The dirty little secret of Legal Realism is that liberating judges from the Rule of Law has subjected the rest of us to the Rule of Lawyers. At the end of the day, Stephen Reinhardt and his activist brethren have limited influence — their decisions can be appealed, reversed, and sometimes overridden by legislation or referenda. Different presidents and governors can make incremental changes through appointments. In some states, voters can reject particular judges. But the work of lawyers goes on, day in and day out, largely unnoticed. Until the legal establishment is disempowered through comprehensive legal reform, we will all remain pawns of this mandarin class. CPP

THE MIDNIGHT ECONOMIST

How do we ration a pie too small?

Inflicting shortages through price controls will not magically return us to Eden.

WILLIAM R. ALLEN

YOU PEOPLE out there are acquisitive and self-centered. No matter how much you have, you are not fully satisfied. So we have a rationing, as well as a production, problem. We have had production and rationing problems ever since a bungling Eve blew it in the Garden. All of the pie of aggregate output is divided among the members of the community, but everyone would like a bigger slice.

If the markets for the many goods are cleared, everyone can buy as much as he is willing to buy at going prices. But we all still want more. So how about forcing down prices? However, if we decree lower prices, we induce greater quantities demanded of the various

William R. Allen, readily visible in the UCLA Department of Economics, chooses to rely on Adam Smith's invisible hand of the market.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

goods and smaller quantities supplied of most of them. Inflicting shortages through price controls will not magically return us to Eden.

Under the best of circumstances, we are confronted with scarcity. We must — somehow, through some procedures, by some criteria — ration most of what we consume. Since we do not have enough of most things to make everyone fully content, inevitably we compete. In an open market, we compete through offering money, bidding up prices to levels where those still in the bidding will wish to buy no more than is available.

In a purported spirit of "fairness" and a striving for "equity," we sometimes stipulate maximum prices, making it illegal to buy or sell an item above the ceiling price. Such stipulation does not eliminate scarcity, and thus it does not eliminate competition. Rather, it simply curtails one form of competition, so alternative and less efficient forms must then be used. If people cannot buy as much as they want at pegged prices, how else can they compete? In what other ways can the necessary and inevitable rationing be done?

One perfectly splendid way is to wait in line: first-come-first-served — with those at the end of the line not served at all. So the relatively small money expenditure must be supplemented with time and aggravation. Happy were the gasoline lines of the 1970s.

Or the artificially suppressed price may be administered with ration coupons, as with meat and gasoline during World War II. The essence of that scheme is that everyone gets to buy the same amount of the good despite the different demands. It is right and proper that everyone get his per capita allotment of rutabagas.

Or there can be tie-in deals. You get the apartment in competition with a dozen others because you are willing to pay heavily for the pile of sticks which the landlord calls a Steinway piano. A variant tactic is for the landlord to charge a massive "key fee."

Or you may pay under-the-table, with no pretense of buying a piano. Irrational, inefficient laws tempt us to compete with scarcity through cheating and lying and special privilege.

Or a government bureaucracy may allocate the good on various inspired grounds and criteria: age, occupation, geographical location, health, income, political loyalty, old-boy connections.

Perhaps the most pernicious basis of rationing is personality and appearance. If not everyone can get the apartment or the loan or the meat, those left out will be those with the wrong skin color, the wrong sex, the wrong age, the wrong religion, the wrong nationality, or who talk funny or are not pretty.

There is much to be said for the impersonality and dispassion of the open market. Money is simply money, and mine is no better than yours. If distributive competition is to be conducted in terms of social stature, beauty, grace, and charm, a few of us will do all right. But most of you will be in big trouble. CPR

THE WORKING PRESS

Suddenly 1992

Few papers report how rising costs are making California again a bad bet for business.

TIM W. FERGUSON

The *Los Angeles Times* and other major media concluded in the wake of September 11 that the bloom was off the California economy. Indeed, the severity of the state budget crunch (and its political impact on Gray Davis, as we discussed last time) was drawing attention in various quarters, including the bond markets. But while briefly mentioning the energy blackouts, the *Times's* front-page story focused most attention on external factors such as the dropoff in travel and tourism. What few papers — with the notable exception of the *Los Angeles Business Journal* — have done is drill into the microeconomy of small and mid-sized enterprises to see how cost factors are making California again an inhospitable place to set up or maintain shop.

Tim W. Ferguson is California Political Review's *press critic.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

That analysis starts with the power bills, which Governor Davis' long-term contracts — signed at the peak of the electricity scare — ensure will saddle most Californians with costs 40 percent higher than the national average for years to come. For any operation with compressors or boilers that's a huge hit. It comes at the same time that water and sewer bills, driven by federal compliance standards, exact another toll. Then there are increases in worker's compensation insurance premiums, partly a national phenomenon but made worse by the undoing of some of California's hard-won gains in the early 1990s. Add to that a nearly 50 percent hike — to be followed by more — in the state's basic unemployment grant. And dramatic increases in the minimum wage, plus other burdens (don't forget higher taxes) imposed by a state Legislature now dominated by the likes of John Burton and the heirs of Antonio Villaraigosa.

This is suddenly 1992 again. California doesn't have quite the exposure to civilian aerospace that it did then (would that it still did have more military contractors!), but otherwise there is little to hold back a ravaging of the private sector. Employment will be affected. No one quite knows the extent to which this will play out in the 2002 election — have we seen the last of Proposition 187? — but the first step in fuller reporting would be to separate out the international impact from what is strictly a home-grown downturn.

♣ ♣ ♣

No one could accuse Bernadette Tansey and the *San Francisco Chronicle's* electricity-crisis team of going easy on private power providers, so it was one indication of shifting winds when she picked up on complaints that Davis's grid czars were billing the out-of-state "bandits" for mysterious charges. The ploy seemed designed to make up for part of the incredible losses the Independent System Operator faces selling high-priced power into a now-glutted market (at a supply-demand disconnect of $69 per megawatt hour for the state and $1 per mwh in the spot market).

♣ ♣ ♣

Ronald Brownstein, the *Times's* big-foot national political analyst, lectured George W. Bush on not repeating the mistakes of his father that cost him his Gulf War popularity in the recession of 1991. Not surprisingly, the message was that the new president needs to show more compassion with taxpayer dollars in stimulating the economy. But remarkable, even for the scribe who at one point was cited as Bill Clinton's favorite Washington journalist, was the complete omission of Bush *père's* breaking of his "read my lips, no new taxes" pledge in the days leading up to the war. Most politicos, including W, recall vividly the fallout from that move. Maybe even a few readers of the *Times* do as well.

♣ ♣ ♣

The Democrat gerrymander, carried off with full compliance by career Republican politicians protecting their own ambitions, guarantees that whatever else happens, the makeup of the California congressional delegation and its statehouse will retain the present partisan cast. But sure enough, as the deeper political coverage in the metro dailies picked up on, this will be done with little regard for growing ethnic populations, especially Mexican-Americans. Their gains in electing their own to legislative seats are likely to be slower in this decade than in the previous one, even if term limits are maintained in Sacramento. And this has generated friction, most of it focused on the San Fernando Valley and the protection (surprise!) of Representative Howard Berman. If one quarter of the outrage that was heaped on Republicans for contesting the allegedly fraudulent votes of non-citizens in Orange County in the 1990s is applied to this ongoing shaft of Latino aspirations, the potential for some tectonic shifts in political alliances would exist. (Is TV capable of covering this story?) But,then again, as noted, GOP officeholders went along for the ride, so who stands to gain from wider exposure?

♣ ♣ ♣

George Skelton of the *Times* has taken several barbs from this corner, so here's a plug for a recent column which spotlighted the short shrift Davis has given the state's community colleges at a time when he pampers the public universities. If anything, California demographic trends would argue for the reverse.

♣ ♣ ♣

Speaking of which, why is California State University Long Beach placing full-page ads in publications like *Time* and *Newsweek* touting the school as a place for top scholars ("The Beach Is Hot!")? Aren't the CSUs so overrun with enrollment that undergrads must extend their stays in order to get core courses?

♣ ♣ ♣

Often overlooked are the state's many ethnic newspapers. Their combined circulation approaches 350,000, short of only the *Times* and the *Chronicle.* Are conservatives and the GOP paying attention to that coverage? CPP

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NULLIFYING PROPOSITION 22

Marriage

Parasites

The energy crisis is still with us, the once-massive surplus is but a glimmer of the past, and a major recession looms. So what do Davis and the Legislature do? Launch a sneak attack on the family, of course!

While most Californians' attention was distracted by the September 11 horrors and bombing of Afghanistan, Governor Gray Davis and the California Legislature launched a devastating sneak attack on the family. On October 14, Davis signed into law Assembly Bill 25, granting twelve – that's right, a full dozen – marriage rights to homosexuals. Led by lesbians Senator Sheila Kuehl (D-Los Angeles) and Assemblywoman Carole Migden (D-San Francisco), California's Legislature has become a pervert's Dream Team at one point considering 31 bills promoting the radical left sex agenda, ranging from teaching "tolerance" in the public schools to equating homosexual couplings with marriage. More bills were drafted in the current session on homosexual matters than *any other issue.*

Think of it: Here's a state that hasn't solved its energy crisis, has blown through a $12 billion surplus in a single year, and is staring into the abyss of a

BY JAMES BEMIS

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

major recession. And what's the Legislature's major focus? Homosexual "rights," of course! You'd think persecution of homosexuals was the gravest problem facing the nation.

Back to AB 25. Mother of all "gay rights" bills, the legislation virtually legalizes homosexual marriage. "Domestic partners" are now mandated by government to receive the equivalent of spousal benefits for wrongful death rights, continued health coverage after an employee's death, family sick leave and disability, insurance coverage, probate, adoption, tax breaks, and unemployment benefits. In other words, the Legislature has elevated a seamy homosexual relationship to the same status as dear old mom and dad.

As Abraham Lincoln observed, calling a dog's tail a leg doesn't make it one.

But as Abraham Lincoln observed, calling a dog's tail a leg doesn't make it one. Nor does calling a "partnership" a marriage make it so.

What constitutes a marriage wasn't always a controversial matter. Virtually every society has some form of marriage between a man and a woman, and the institution has proven itself as a means of preserving social stability and providing for the needs of women and children. In Western civilization, holy matrimony was honored as a sacrament, bestowing both privileges and – often conveniently forgotten — duties on each of the partners. These obligations included a lifelong commitment, including sexual fidelity, to one's spouse in sickness and in health; providing for the upbringing of the children produced by the union; sharing ownership of property, and other responsibilities.

Most societies, including ours, recognized both the cultural benefits of matrimony and the burdens married couples assumed on behalf of society, primarily in the proper raising of future generations. Certain privileges and benefits were afforded those who shouldered these marital duties and responsibilities. These included marriage tax breaks, inheritance rights, medical and other insurance coverage, and other special considerations.

After all, marriage and family are the primary means of transmitting civilization and culture from one generation to the next, the building blocks of the future. It was generally acknowledged that families raising honest, productive, well-educated kids were not only doing the Lord's work, but everyone else's too. And raising such children, heaven knows, ain't cheap.

This is a vital distinction to make in understanding today's "marriage" controversy. *First* came society's recognition of marriage's cultural value and its accompanying duties and burdens, *then* followed the privileges and benefits afforded husband and wife. To hear some tell it, you'd think marriage was created solely as a means to bestow certain "rights" on heterosexual couples and deny them to homosexuals. Marriage perquisites, then, were provided to ease the burdens of raising a family; a sort of societal *quid pro quo* for producing and molding the next generation, upon whom the continued existence of civilization depends. But with "domestic partnerships" — including heterosexual ones — there is no "give" to society, only "take." Therefore, persons participating in domestic partnerships have no claim or "rights" to any special benefits — including family health insurance, inheritance rights, or tax breaks — beyond those of any other citizen. None.

Oddly enough, while people debate marriage's nominal — *i.e.:* cash — value, neither side mentions what is normal. Yet this is really what the attack on marriage and family is all about. Here again, we're threatened by what G. K. Chesterton called modernity's morbid habit of "sacrificing the normal to the abnormal." To the extent this sacrifice is made, our institutions become warped and degraded. The evidence? Look around you.

Whatever our views about homosexuality, they should be formed based on charity toward others and mindful of our own fallen nature. Nevertheless, we cannot afford to fear defining what constitutes normal human behavior, and we have thousands of years of experience to guide us. So long as we shrink from speaking the truth about ourselves, our traditional institutions will continue to be assaulted, until one day we'll find there's nothing left of civilization worth preserving. CPR

James Bemis, a columnist for e3mil.com's "The Edge," is a member of California Political Review's *editorial board. This article appeared originally on* CPR's *website, Oct. 17, 2001, as Mr. Bemis's regular Thursday "Contra Mundum" column. Read Ray Haynes, William E. Saracino, George Neumayr, and James Bemis every week at: www.cppf.org.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A CPR Debate

The Best of a Bad Lot?

Opening Statement by Ray Haynes

I am a Republican by choice, not by birth. I became a Republican after many years of being a Democrat (my parents were both Democrats) because I came to the conclusion, after much study, that the policies Republicans promoted, by and large, were better for the people of this state, and this country, than those

(Please turn to page 15)

Republican Whip Ray Haynes represents California's 36th state Senate district.

RESOLVED: The redistricting agreement between GOP and Democrat legislators was Republicans' best alternative for the people of California.

Positive
Ray Haynes

Negative
Ted Costa

Opening Statement by Ted Costa

The two-party gerrymander imposed by our Legislature is absolute proof that our elected officials are out of touch with the people. Here's why:

The arena, said Theodore Roosevelt, is the place where politics is played out. Those arenas in

(Please turn to page 16)

Ted Costa is the CEO of People's Advocate. His organization has qualified 13 initiatives for the ballot during the last 20 years. Nine have been enacted by the voters.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Haynes

(Continued from page 14)

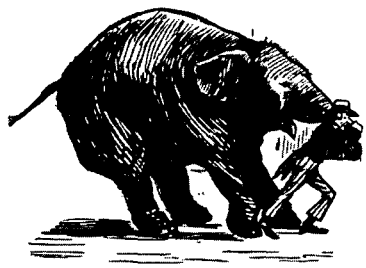
Democrats promoted. That is important: it is the starting point for this debate. Preserving Republican majorities wherever possible, and promoting the election of Republicans whenever possible, are, in my opinion, in the "best interests" of the people of this state and this country. I know many of my Democrat friends in the Legislature feel the same about preserving Democrat majorities and electing Democrats.

That is why they, like me, don't believe in being "fair" in a redistricting discussion. *They* believe it is in the best interest of the people to keep *themselves* in power, just as I believe it is in the best interest of the people to put (or keep) Republicans in power. Thus, a redistricting plan that maximizes Republican power is "best" for the people of the state of California, in my opinion.

DEMOCRATS CONTROL

THE SECOND factor assumed in this question is "the circumstances" of the 2001 redistricting process. Democrats control it, pure and simple. The only check on that control is a resort to the courts. So, the question: what is "best for the people of California under the circumstances"? must be answered considering both what outcome maximizes Republican power and, given Democrats' complete legislative domination, what course could Republican lawmakers follow to achieve that maximizing outcome?

Early on, legislative Republicans knew the best redistricting outcome in California was to minimize damage to the GOP House majority. A shift of three or four House seats could mean the difference between Speaker Hastert and Speaker Gephardt. California could easily have provided that shift if Democrats decided to be



It is not a great plan. It is not a plan to make Republicans proud. But it preserves the Republican majority in Congress.

aggressive. The only check on that Democrat aggressiveness was the fear of a referendum and a court redrafting of the lines. Of course, Republicans knew that the last time the court redrew the lines, we ended up with a redistricting that, in the last election, resulted in 50 out of 80 Assembly members, 26 out of 40 Senators, and 32 out of 52 Congressional members from California being Democrats. Even if the court drew the lines, Republicans were not assured that all could come out well for Republicans in the Legislature or the House. The Democrats were, on the other hand, absolutely terrified of a court-drafted redistricting plan.

LITTLE TO SATISFY ANYONE

AFTER EXPLORING several alternatives, including the possibility of a deal with the Legislature's Hispanics members, a plan emerged. It is not a great plan. It is not a plan to make Republicans proud. It does, however, preserve the Republican majority in Congress. Legislative Republicans believed that preserving that majority was worth giving up the possibility of a referendum. None of us liked it, and the likelihood is that none of us will ever be able to serve in that House, given how the lines were drawn. Term limits will end the political careers of most Republicans who voted for the plan. There was very little in that plan to satisfy any of us personally or, at the state level, as political partisans. It was, however, the best plan for the people of this state and this country because it was the best we could get to preserve the Republican majority in Congress.

And the Democrats know it. As I write this, the Democrat National Congressional Committee, the electoral arm of the Democrats in the House, is getting ready to sue to set aside the plan because they know they have to pick up more seats in California to have a chance to regain control of the U.S. House. Could we have preserved the referendum option? Yes, and the Democrats would have drawn our lines to satisfy the DNCC, and forced us to a referendum and the courts. We

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

would have spent several hundred thousand dollars for the Ron George court to redraw the lines. Given the propensity of that court to cater to legislative Democrats, I, for one, was uncertain that the court option would be helpful to Republicans.

In the end, most of us concluded that preserving the status quo would be better than the uncertainty of an electoral or court fight. It was the best of only bad options, and, in the end, even national Democrats agreed it was too good for the Congressional Republicans. I'll take that endorsement anytime.

Costa

(Continued from page 14)

California are the state Senate, Assembly, Board of Equalization, and congressional districts. These districts are the arenas where our modern day political campaigns are played out.

Unfortunately, the modern day gladiators are not — as you may think — the candidates. They are a select few political consultants approved by the political caucuses of California's two major parties. These caucuses, made up of Republican and Democrat members of the Legislature, have become the new gatekeepers to millions of dollars of special interest campaign funds: millions that fill your mailbox with target mail each election year, millions that control massive phone banks usually located half-way across the country, millions for slate mailers that do little more than fatten the wallets of political consultants.

SOPHISTICATED DATA BASES

THESE MODERN-DAY gladiators are armed with sophisticated computer data bases covering every voting precinct in California. They can tell with great accuracy who is going to win any given election before a single vote is cast. They know the maximum number of votes (high water mark) and the minimum number of votes (low water mark) their respective parties can win from each precinct; they know which precincts favor the Republican, and which the Democrat. Add to this mix the legislators' control of redistricting, the once-a-decade reshaping of the arenas, and you have a formula for instant corruption of the democratic process.

Senators and Assemblymen always craft their district lines to suit the selfish purposes of incumbents.

Senators and assemblymen have always crafted their district lines with one common theme: suiting the selfish purposes of incumbents. What's different this year is that the two parties arranged to eliminate competitive districts. They created 14 Senate "Republican" districts that will elect only Republicans, and 26 Senate "Democrat" districts that will elect only Democrats. These districts have been crafted so as to make it impossible for anyone from the opposing party to win within the next 10 years.

The new Board of Equalization district lines provide a classic example of this. Senate Republican Leader Jim Brulte and Assemblyman Bill Leonard crafted districts for themselves, although they are neighbors. To do so, they ceated a district that reaches from Los Angeles to the Oregon border. I can find nobody who finds good government in that.

Political scientists, public interest groups, and major newspapers around the state have criticized the redistricting agreement. Only two groups of people support these districts: legislators and powerful special interests.

The grim fact is that over the next 10 years no one will be allowed to play in the arenas unless they're blessed by the party bosses, and the two major parties in California will not run serious candidates against one another. The real campaign battles fought over the next 10 years won't be over governmental policy issues, but over who is loyal to the party bosses. Short of a landslide of historical proportions, the people of California are left with no legislative

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

remedy if they want to bring about major change in policies like education, transportation, and taxation.

Who sits in the Legislature and the governor's office is important to the two major parties, not because of the power those offices hold to enact new policies, but because the party in power has great control over regulatory agencies, makes thousands of political appointments to up-and-coming gladiators, hands out pay raises to state employees, and greatly influences who receives major state contracts. All this enables the party in power to raise millions in campaign cash to play in the arena.

The Legislature and their special interest friends steadfastly refuse to reform the political process. It is impossible to think about reform without taking redistricting out of legislators' hands. Every California voter must ask themselves a question. Do you want the option of replacing a bad legislator with one from another party? Or do you want to rubber stamp a candidate already chosen by the party bosses?

REBUTTALS

Ray Haynes

Let us assume that everything Mr. Costa says is the truth. He has still not rebutted the premise of this debate's resolution: that this was the best plan Republican legislators could get for Republicans under the circumstances. That being said, he is still wrong in his comments.

He commits the error most political consultants commit analyzing the political scene. He assumes that politics is static: that people's minds cannot be changed, that they will vote in the next election just as they voted last election, that no one new will move into any district. He is wrong. Were he right, Republicans would still hold 78 Assembly seats, the number they held in 1932. Things change. California will change. Districts in California will change. They won't change overnight. They won't change for the better if Republicans do not work at changing people's minds, if all we do is whine about how bad things are. They certainly won't change to become more Republican without a lot of blood, sweat, and tears.

My point is simple. The plan preserved the status quo for Republicans in the short run. Things could have been a lot worse. If the lines are thrown out by a court, they could still be a lot worse. Few people in the Legislature who voted on the plan will personally benefit from those lines. Due to term limits, only seven of the 14 Senate Republicans who voted on the plans will seek re-election in the districts they approved. That is not "incumbent protection."

But Republicans will probably retain control of Congress under these lines. In the end, that will be good for the entire country. That is worth sacrificing any short term political benefit for me and my Republican colleagues in the Legislature.

Ted Costa

No! No! No! Political parties exist for only one reason — to implement the will of the people. When our elected, partisan officials put their personal job security ahead of implementing the will of the people, it's time to clean house at the state Capitol.

COMPLETE OLIGARCHY

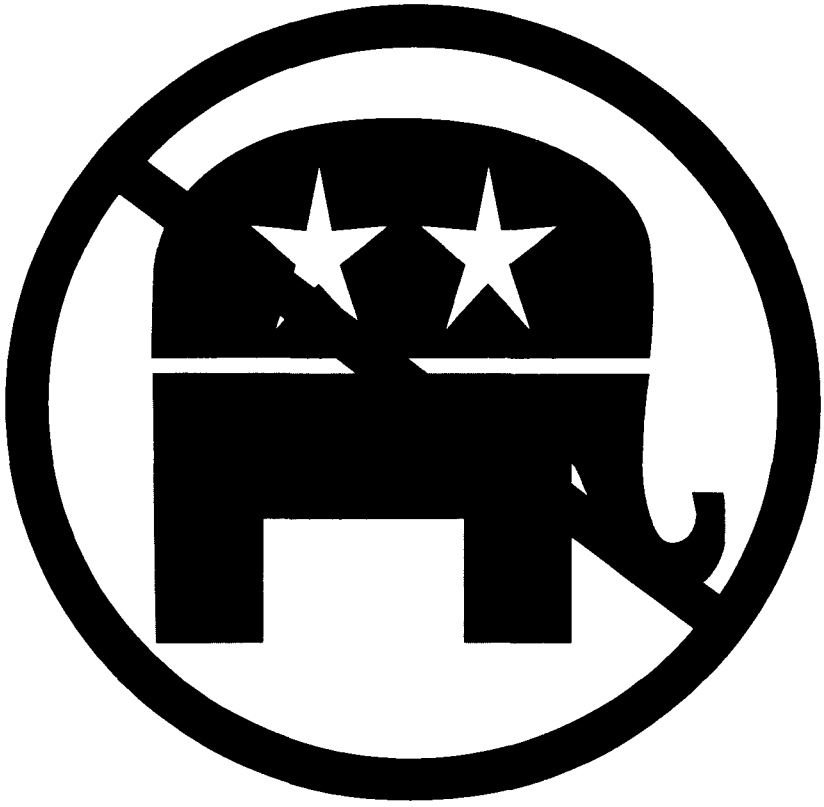
BY CRAFTING only safe Republican and Democrat seats, our elected representative officials have given the Democrat leaders in the Assembly and Senate complete oligarchy power over all legislation for the next 10 years. That has nothing to do with implementing the will of the people.

There is no better example than Proposition 13 which voters passed with 66 percent of the vote. Prop 13 mandated no new taxes without a two-thirds vote of the Legislature. Both Republican and Democratic leaders in the Legislature have thus far come up with more than $30 billion in new taxes, claiming that they are "revenue neutral," and that therefore they require only a majority vote.

Yes, I, too, am a Republican —

(Please turn to page 30)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



Republican Self-Mutilation

Dick Riordan's run for governor

Attaining a level of political sagacity last seen when they rallied 'round Dan Lungren, Republican sages conclude that the best candidate to defeat Gray Davis is one of Davis's more generous financial donors.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

by GEORGE NEUMAYR

It takes hard work to find a Republican candidate as liberal as California Governor Gray Davis. But the sages of the Republican Party have put their heads together and managed to find one: Richard Riordan, the former mayor of Los Angeles.

These Republican strategists present Riordan as the "solution" to the California GOP's collapse. But in truth, Riordan simply illustrates it. Only a party in a deep malaise could conclude that the best candidate to defeat Gray Davis is one of his more generous financial donors.

To champion Riordan as the standard bearer of the California GOP is to commit an act of Republican self-mutilation. "I'm not an ideologue, so it's not like I have a love affair with the Republican Party," Riordan once said. Truer words were never spoken. Riordan's heart lies with the Democrats.

The Daily Examiner

SEPTEMBER 1, 2004

COLUMN LEFT

Cox, Royce 'Appalled'

• 'We never expected this!' say stunned lawmakers. They evidently thought they had state sewed up for Bush.

By FRANCOIS DUCLOS
DAILY EXAMINER STAFF WRITER

LOS ANGELES — Seeming unusually dumbfounded, even for members of Congress, several veteran Republican lawmakers expressed unreported disbelief at news that the man they worked to elect governor had betrayed their party. "The idea was to get a Republican, any Republican, to the governor's office," said a high-level GOP operative. "We knew that meant losing on guns

Democrats Jubilant; Say Announcement 'Expected'

• 'Don't they remember Tom Bradley?'

By JAMES JAMESON
DAILY EXAMINER STAFF WRITER

LOS ANGELES — Soon after the current governor's election, high-

Riordan Backs Democrat

Maverick Governor Snubs Bush's 2004 Re-election Bid

• Sends Challenger Really Big Check

By FREDERICK WOODROW
DAILY EXAMINER STAFF WRITER

SACRAMENTO — Just as Golden State Republicans were beginning to find a little less stressed out, having only last week rallied the state's unpredictable Governor Richard Riordan out of switching his registration to the Democrat party, 'Tricky Dick,' as some GOP office holders are beginning

Headlines in state GOP's Future?

"Dick Riordan is one of our major donors. We've enjoyed his money over the years. I only hope that if he runs for governor he doesn't stop giving us money," crows Gary South, Gray Davis' chief political consultant. South's jeering is indeed reality, not rhetoric. Riordan's pattern of donations to the Democrat Party is staggering. He has spent more money electing Democrats than most Republicans will see in their lifetimes.

His donations the last two decades total well over a million dollars. He's given $20,000 to Gray Davis, making a donation of $12,500 as recently as March of 2000. His wife Nancy Daly, an active political liberal, kicked in another $12,500.

He gave almost $500,000 to the late Los Angeles Mayor Tom Bradley during his various mayoral races and in his gubernatorial race against Republican George Deukemejian in 1982.

Riordan's donations extend to a veritable *Who's Who* of liberal Democrats in the state. He has endorsed (and donated to) such California liberal icons as Congresswoman Maxine Waters and state Senator John Burton. More recently, he donated to Bill Lockyer, the Democrat attorney general now famous for wishing that Enron chairman Kenneth Lay were in a jail cell with a homosexual rapist named "Spike." And even given the choice between a *liberal* Republican and a Democrat, Riordan's habit is still to side with the Democrat. In the race between Michael Huffington and Dianne Feinstein in 1994, Riordan supported Feinstein. He also endorsed her in 1998 when she ran for reelection against Tom Campbell.

Riordan couldn't even bring himself to endorse the ideologically indifferent Bob Dole in 1996. A pal of Bill Clinton's, Riordan once hailed the most depraved Democrat president in history as "the greatest leader in the free world." Riordan's connections to Clinton were thick: Bill Wardlaw, who ran Riordan's mayoral campaign, had served as the California campaign chairman for Bill Clinton and Al Gore in 1992 and 1996.

Riordan's endorsements of Democrats continued this year. He couldn't resist taking sides in the final run-off in the Los Angeles mayor's race between two Democrats, Jim Hahn and Antonio Villaigrosa. Naturally, Riordan went with the more radically liberal of the two, throwing his support gratuitously behind Villaigrosa.

It is reasonable to ask why Riordan ever became a Republican in the first place. The probable answer is that the line was so much shorter. After all, he stood little chance of distinguishing himself among the far more populous field of Democrat politicians. Except for opposing Rose Bird, along with everyone else to the right of Stephen Reinhardt, supporting the Unz initiative to get rid of Bilingual Education, and a few marginal issues in the political demilitarized zone — whether regulation A is better than regulation B, and the like — Riordan comes off as a knee-jerk liberal, with the city pol's trust in government efficacy.

Anticipating the assaults of conservatives in the Republican primary, he has of course changed his tune. "I

George Neumayr is a member of CPR's *editorial board.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

believe in freedom for the individual," he says, "and in the awesome power of free markets ... I believe in a government of fairness and fiscal integrity — one that performs its core functions efficiently, doesn't overtax citizens, and is kept on a strict diet." But his record gives the lie to his repositioning. Riordan submitted a telling letter to this publication in 1991 that reveals him as a proud tax hiker, no more conservative on economic issues than on social ones.

A pal of Bill Clinton's, Riordan once hailed the most depraved Democrat president in history as 'the greatest leader in the free world.'

Riordan's letter, written as part of a look ahead for California at the beginning of the 1990s, chastised Dianne Feinstein and Pete Wilson for lacking the political courage to support *higher* taxes: "I would like to say that Californians have been consuming far more than they have been producing the last 15 to 20 years. This 'undertaxing' is reflected in the state's deteriorating infrastructure — particularly in education," he wrote. "The Prop. 13 Syndrome continued into the 1990 election. Neither Feinstein nor Wilson would dare come out for new taxes, especially not for a reversal of Prop. 13. The 'pull up the ladder' (I've got mine) attitude was particularly evident in the propositions dealing with expenditures and new taxes (even on alcohol)."

At times, Riordan's letter practically reads like a chapter from Karl Marx's *Das Kapital:* "As the gap between the haves (the vast majority of the voters) and the have-nots continues to grow, we can expect the number of homeless, welfare recipients, drug addicts, and criminals to increase rapidly." He concluded with the tired liberal assumption that higher taxes equal better government: "We must be willing to increase the tax dollars for schools. Pulling up the ladders will not be enough to protect us from the crime, and the ultimate need for more tax dollars to take care of increasing social problems." This letter should disqualify Riordan from the Democratic Leadership Council, much less the higher precincts of the Republican Party. [The letter's full test appears at the end of this article, page 22.]

And the record gets worse. Take his comments on gun control. They make Sarah Brady look like a devotee of Charlton Heston. "We should try to as much as we can keep handguns in the hands of police," Riordan has said. Asked once if he favored a city-wide police sweep of guns, he responded: "I would be in favor of that, and I would be in favor of much stronger control of gun dealers even to the point of shutting them down." The Brady bill "didn't go far enough," he said, as he boasted of California's longer waiting period. Such was Riordan's gun control fervor that Clinton in 1993 began taking notes from him on how the federal government and states might set up licensing requirements for gun owners similar to those for motorists. Yet Riordan now says he is a "citizen activist who has always believed in a government of limited size and scope — a government that does not intrude upon the rights and liberties of individuals."

Political correctness is Riordan's first instinct. He has never seen a liberal social innovation he didn't like. He is a supporter of racial quotas. He opposed Proposition 221, the measure that banned governmental race preferences in California, saying, "I'm against the California Civil Rights Initiative because it is divisive." Nor could he support Proposition 22, the studiously innocuous pro-family initiative that restricted marriage to a man and a woman. Riordan often burbles about his support for "gay rights." As mayor of Los Angeles, he regularly participated in the city's offensive homosexual parades.

The thrice-married Riordan is at ease with the ethos of Hollywood and Beverly Hills. Though he'll trot out his "Catholicism" when convenient — and will no doubt try to exploit politically his friendship with the flaky, pro-Democrat Los Angeles Cardinal Roger Mahoney — he appears to take few of the Church's moral teachings seriously — yet another similarity between

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

him and the "Catholic" Gray Davis. "I am absolutely pro-choice," Riordan says. "I believe the government has no business in a woman's right to choose." Except, that is, when the government is paying for abortion with our tax dollars. *That* Riordan supports, as well as the right to abort partially-delivered children.

'I believe,' he says, 'the government has no business in a woman's right to choose.' Except, that is, when the government is paying for abortion with our tax dollars. That Riordan supports, as well as the right to abort partially-delivered children.

His support for abortion — the death penalty for unborn children — is unwavering, but on the death penalty for criminals he seems to waffle. According to the *Los Angeles Times*, Riordan, in a 1987 *Los Angeles Business Journal* article, described himself "as opposed to the death penalty." But in 1993 he said he "did not recall the statement" and "insisted he has always backed the death penalty." Riordan prides himself on being "non-partisan," even as he repeatedly shows partiality to the liberal *status quo*. He skipped the '96 GOP San Diego convention, an aide said, because "the mayor has never been to a political convention. These events are as extreme and partisan as they can be. They are for the real diehards, and he just doesn't fit into that."

But Riordan made an exception for the 2000 Democrat Convention in L.A. He mustered great enthusiasm for the Dems, treating their convention as one of the high points of his tenure as mayor. His desperation to attract the Democrats to Los Angeles led him ultimately to pony up a million dollars of his own money to ensure that they came (a member of the Los Angeles City Council had egged him into making the donation). There, at the *Democrat* convention, amongst social and political friends like L.A. real estate bigfoot Eli Broad, Riordan assuredly "fit in." And who today heads the Los Angeles school system Riordan promised to reform as the "education mayor"? Roy Romer, former Democrat National Committee chairman.

In a recent appeal to grassroots Republicans, Riordan says that he "took on the liberal leadership of the teachers' unions." But he fails to mention that he approved the installation of Romer. He says, "I believe that parents should be put back in charge of our children's education." But he fails to mention that he opposed the vouchers initiative last year.

Apparently, none of this long train of baggage concerns the national Republican Party, or many in the state Party. The fix is in: Republicans, from President Bush on down, want to win at all costs in California and Riordan is the useful stooge to achieve that end. The breathtaking cynicism here would make Nicolo Machiavelli blush.

Republican members of the California congressional delegation — 16 of the 20 have already endorsed Riordan — are busy telling conservative Republicans to fall into line behind Riordan, utilizing all of the usual half-a-loaf-is-better-than-none rationalizations to silence obvious objections. Riordan is "someone with a proven record on those issues that unite Republicans," says a letter sent out to the Republican rank-and-file by Congressmen Christopher Cox, Dana Rohrabacher, Darrell Issa, and Ed Royce. "Riordan's agenda on crime, business, taxes, education, spending, transportation and government reform and other major issues was one that all Republicans could rally around." Such Panglossian PR insults the intelligence of conservative Republicans. But career Republican politicians evidently figure that this snow job is a small price to pay for power. Conservatives should tell them they are wrong. Riordan's agenda represents the very liberalism conservative Republicans supposedly entered politics to stop, not spread. The California Republicans seem to have become everything they once opposed.

Democrats in the state should feel deep satisfaction that these Republicans no longer even pretend to care about principle. California politics is now simply a power grab, fought on turf wholly owned and operated by the Democrat Party. Liberals should perhaps even root for a Riordan

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

victory. It would at once advance their agenda under a false flag and strike a crippling blow to the conservative movement. In a Riordan-Davis race, they achieve victory no matter who wins, while conservatives lose either way.

Early press reports, in fact, indicated that Democrats, particularly backers of Dianne Feinstein, urged Riordan to consider the race. And why not? They know a Democrat Trojan horse when they see one.

A Riordan vs. Davis race will raise no substantive and sincere differences between the parties. The Republican stage handlers will probably persuade Riordan to play the Republican goof on certain safe issues, but that phoniness aside, the race will simply represent a chase for perks and privilege between two liberal statists in a de facto one-party state.

With the rise of Riordan, the California GOP appears not so much a big tent as a circus tent. Using a major Davis donor to try to defeat Davis is the definitive proof that the Party has hit bottom. A party willing to betray its principles for power deserves in turn to be betrayed. Would it not be poetically just if Dick Riordan turns out to be California's James Jeffords?

I spoke to one Los Angeles City Hall observer who as a veteran staffer watched various mayors come and go. She warns the Republicans to be careful about what they wish for. They might get it: "Mayor Bradley was an angel next to him. You knew what he was. But Richard Riordan is a chameleon. He has no philosophy except power."

The party of Pyrrhic victories may learn the hard way that cheap wins produce lasting defeats. CPR

Richard Riordan bemoans Prop. 13: The 'pull up the ladder' (I've got mine) attitude.

A letter to the editor from Richard Riordan, published in California Political Review, *Winter 1991:*

In response to "Reflections on California in the '90s," (*CPR,* Fall 1990) I would like to say that Californians have been consuming far more than they have been producing the last 15 to 20 years. This "undertaxing" is reflected in the state's deteriorating infrastructure — particularly in education. In 20 years we have gone from the top state in public education to close to the bottom (in fact the absolute bottom in terms of percentage of gross income spent).

The Prop. 13 Syndrome continued into the 1990 election. Neither Feinstein nor Wilson would dare come out for new taxes, especially not for a reversal of Prop. 13. The "pull up the ladder" (I've got mine) attitude was particularly evident in the propositions dealing with expenditures and new taxes (even on alcohol). With the "greying" of the voters, nothing short of a revolution will change this attitude of Californians. As the gap between the haves (the vast majority of the voters) and the have-nots continues to grow, we can expect the number of homeless, welfare recipients, drug addicts, and criminals to increase drastically. The majority of five-year-old minority children are doomed to a poor education today and are 2000's social problems. California's cities are not far behind the disintegrating life style (for rich and poor) of New York City. In addition, we are not preparing students for the complex, high-tech jobs of the future.

Prop. 140 [Legislative Term Limits] is the election's most interesting result. It showed the utter distrust of elected officials. Nevertheless, it must be put in perspective. On one side, special interest groups have had no problem getting their legislation through Sacramento or "deep-sixing" legislation they didn't like. An example is the defense lawyers' and ACLU's stranglehold on judicial reform. On the other side, the Legislature and the governor are stifled in major reform efforts by voter antipathy to higher taxes. Also, Sacramento will lose its ablest people (hopefully they will remain as lobbyists or run again for office). Further, special interest groups may have more control than now by electing their own candidates and/or influencing amateur legislators. Sacramento may also become staff driven. In any event, I came down on the pro side of Prop. 140.

The defeat of Prop. 128 (Big Green) was a positive note. The limousine liberals who control the environmental issues have little concern for the poor. Air quality policy, for example, has pushed jobs out of the state and discouraged business and jobs from coming into the state.

The most positive note was the election of Pete Wilson as governor. Despite his low-key personality, Pete is an extremely hard-working, visionary leader. I agree with Pete that budgets are best made by the governor and not through initiatives, a stand that I am sure cost him many votes. I particularly agree with Pete's focus on education. We have to restructure education from the bottom up. The post-Prop. 13 control of education in Sacramento (*e.g.,* it takes at least five years to build new schools) must be returned to communities. Mi-

(Please turn to page 30)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Why America Needs Religion

A Christmas Essay

by William E. Simon, Jr.

Does America really need religion? I believe this question is of supreme importance for our country as we begin the twenty-first century. Yet the United States is increasingly characterized by confusion, controversy, and contradiction over the answer. This last year has seen many important incidents over religion and public life. For example, vice presidential candidate Joseph Lieberman's speeches as a Democrat and as a Jew, or the ignorance and confusion surrounding Senator Ashcroft's nomination for attorney general, and, supremely, President George W. Bush's proposals for an office of faith-based initiatives. All these incidents have raised important questions as well as unfortunate controversies. But I believe there's a deeper question that lies behind them all: does American need religion?

We live in a time of unprecedented prosperity, with our material wealth unquestionably at an all-time high, while the morals of our nation show signs of serious erosion. And, even as the majority of our citizens openly acknowledge the importance of faith in their individual lives, a minority are equally openly assaulting the idea that religion has any place in our national life.

It is both the best of times and the worst of times. Many of us here could easily bear witness to the importance of faith in our individual lives — and I count myself among them.

Similarly, many of us could argue strongly for the importance of faith for society at large — such as its role in strengthening marriage and family, inspiring volunteerism, as well as reducing crime and drug usage. These points have been well documented by our colleagues at the Heritage Foundation, among others.

I want to focus today on an even broader and deeper role for religion; one embraced by the framers of our Constitution, namely: that faith and freedom are indissolubly linked in a way that is critical for the welfare and endurance of our country. Let me start far from the present day.

Lessons from History

One of the most poignant stories of ancient

Why America Needs Religion *is an edited transcript of a talk given at the Heritage Foundation, Washington, D.C., in September 2000. William E. Simon, Jr., is co-chairman of William E. Simon & Sons, a private investment firm and merchant bank. He serves on the Heritage Foundation's board.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

times is the account of the Roman general Scipio Africanus weeping over the burning of Rome's great rival, Carthage, in 146 B.C. Asked why, Scipio said he felt terror at the thought that someday someone would give the same order to destroy Rome too.

How extraordinary, said Polybius his tutor, to whom Scipio was speaking, that on the day of his greatest success he should have been aware of his own mortality and the transience of life. Scipio was a rare conqueror who needed no slave to whisper in his ear: "This too shall pass."

That same sense of transience lies at the heart of Polybius' own work, *The Histories*, which Thomas Jefferson and James Madison studied and knew so well.

Throughout history, as Polybius observed, all republics had risen, prospered, and fallen. Indeed there was a "regular cycle of constitutional revolutions" and a process of "ordained decay and change." The most important of the three great classical sources of decay was what Polybius called "the corruption of customs."

The framers sought to avoid the previously inevitable corruption of customs and to set up a "new science of politics" as a direct answer to the fatalism of Polybius' analysis. As men of the Enlightenment, they were optimists but also realists. The American republic was the first great republic since the fall of Rome. It was to be the "new order of the ages." But while the founders of our republic were revolutionary, they were also rooted in history.

It is clear from their writings that they had carefully studied political systems of every type. They sought to use history in order to defy history. More specifically, they had a clear and ingenious idea how the American republic could break the inevitable cycle and beat the historical odds.

The United States was to be a "great experiment," in George Washington's oft-repeated words. Their way, they believed, was the way not only to win and order freedom but also — and equally important — to sustain freedom. The United States would therefore be a free republic that would remain free.

But what was their solution? What was the basis of their optimism?

It was certainly *not* a belief in democracy. John Adams pointed out that "there never was a democracy yet that did not commit suicide." James Madison was equally gloomy: "Democracies have always been spectacles of turbulence and contention and as short in their lives as they have been violent in their deaths."

If you ask most Americans today, including many scholars, to spell out the framers' solution, the answer would lie in the separation of powers, and our system of checks and balances. A strong constitution, they would say, is the sole necessary protector of freedom. The only necessary antidote to the corruption of customs. This reliance on the Constitution alone, however, is flawed and not consistent with thousands of years of history.

It is true that our constitutional separation of powers is an essential as well as distinctive feature of our American government. But it is not unique — the Swiss republic adopted it before America.

And it is part of the solution the framers devised for countering the corruption of customs. Polybius expressly says, and the framers repeated it, that a strong constitution is not enough because human nature left to its own devices would eventually subvert the constitution itself.

Polybius wrote that "When a commonwealth, after warding off many great dangers, has arrived at a high pitch of prosperity and undisputed power ... the manner of life of its citizens will become more extravagant; and that the rivalry for office, and in other spheres of activity, will become fiercer than it ought to be. And as this state of things goes on more and more ... this will prove the beginning of a deterioration."

So, if the framers' reliance either on democracy or separation of powers was not absolute, what is the other missing piece of the puzzle?

It was a concept sometimes referred to as "the eternal triangle of first principles" — a set of three interlocking and interdependent ideas that were viewed as absolutely foundational for sustaining freedom.

The three legs of this triangle are liberty, vir-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tue, and religion and the premise is that each leg requires the other so that, simply stated, liberty requires virtue, virtue requires faith, and faith requires liberty.

With this concept in mind, we can see clearly the heart of the framers' brilliant view of the indissoluble link of faith and freedom.

I will expand briefly on these three enduring principles. But first let me stress that I am not arguing that all the framers were people of faith, let alone orthodox faith, or that they agreed on the precise place of religion in public life. Clearly they demonstrated great diversity on both these issues.

But on the underlying relationship of faith and freedom they showed remarkable unity, almost without exception.

Some conservatives have become so caught up in the importance of economic issues alone that they have neglected the framers' position and its prudent realism.

Liberty Requires Virtue

The first leg of the triangle is the principle that liberty requires virtue. For the framers, liberty was not just a form of negative freedom — a freedom "from." rather, it was positive freedom — a freedom "for," or freedom "to be."

In Lord Acton's famous formulation, freedom is not the permission to do what we like but the power to do what we ought. In a similar vein, Benjamin Franklin once said, "Only a *virtuous* people are capable of freedom." Or James Madison's observation — and clearly we see here that "the father of the Constitution" did not rely on the Constitution alone — when he said, "Is there no *virtue* among us? If there be not, we are in a wretched situation. No theoretical checks — no form of government can render us secure. To suppose that any form of government will secure liberty or happiness without virtue in the people is a chimerical idea."

John Adams was equally blunt. "We have no government armed with powers capable of contending with human passions unbridled by morality and religion. *Avarice, ambition, revenge, or gallantry* would break the strongest cords of our constitution as a whale goes through a net."

Virtue Requires Religion

The second leg of the triangle is the principle that virtue requires religion. For the framers, virtue was more all-encompassing than many view virtue in today's society. For one thing, it included strong features such as excellence and courage. For another, it had to be grounded and rooted. It was not a cliché that floated in thin air. Religion provided virtue with its content, its inspiration, and its sanction.

As George Washington said in his *Farewell Address*, "of all the dispositions and habits which lead to political prosperity, Religion and morality are indispensable supports." Or as the more skeptical Mr. Jefferson asked equally clearly, "can the liberties of a nation be thought secure when we have removed their only firm basis? A conviction in the minds of the people, that these liberties are a gift of God? That they are not violated but with his wrath?"

Religion Requires Liberty

The third leg of the triangle is the principle that religion requires liberty. Here, and not in the separation of powers, is where our framers were perhaps most original and most daring. Indeed, it could be argued that the first sixteen words of the First Amendment of the U.S. Constitution are the most daring and distinctive part of the entire American ordering of public life. This was an unprecedented break from 1500 years of political history since the time Constantine ordained Christianity as the official religion of the Roman Empire in 312 A.D.

As Madison argued so powerfully in his *Memorial and Remonstrance*, "torrents of blood" have been spilt in the name of established religion in the Old World. But we now have "the true remedy" in the separation of church and state.

Its underlying principle?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"That Religion or the duty which we owe to our creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence."

Madison further argues that the *establishment* of religion is both unnecessary and unwise. It is unnecessary because religion flourishes best on its own strength. It is unwise because when religion becomes established, it becomes oppressive and coercive.

No fair-minded reader of the writings of the framers can possibly miss their extraordinary chorus of agreement on these issues. So it seems beyond dispute that faith or religion occupied a preeminent place in the foundation of our republic.

Skeptics however, might ask, was it religious hype or, as John Adams once said, "pious cant"? The framers expressly said it was not.

Were they merely "children of their times" in giving such a place to religion? Far from it. Nowhere is the difference between the founders and their contemporaries in France starker than in their positive attitude to religion. The cry of the French republican revolutionaries was, "Let us strangle the last king with the guts of the last priest!"

Skeptics might say that there is some new solution to the menace of the corruption of customs that the framers didn't know of. If anything, modern society proves the opposite point.

What is however, all too plain is that many Americans today have abandoned or are unmindful of the framers' position. Certainly it is not taught with any regularity in our schools. (The overall failure, or breakdown of the educational systems being a topic for another speech.) In fact, many of our liberal thinkers have adopted a position much closer to the French radicals than to our American framers. Even some conservatives have become so caught up in the importance of economic issues alone that they have neglected the framers' position and its prudent realism.

Between Their World and Ours

What has happened? What is behind the seachange between the framers' world and ours? A full discussion of that topic today would also take us too far afield. But let me mention the factors that I believe lie behind the controversies and culture-warring of the last generation. One factor is exploding pluralism. The story of America is the story of a steadily expanding pluralism, but the expansion in the last 50 years to include almost all the world's religions has put a new strain on our traditional ordering of religion and public life — one obvious example is in the public schools. In Los Angeles, where I live, we have a district with more than 90 different religions in their schools. A politically correct holiday program could last a month.

Another factor is expanding statism. When the First Amendment was passed in 1791, religion was central and powerful in most people's lives, whereas the federal government was distant. Today the situation is reversed: the federal government is strong and central, whereas religion, for many, is marginal and weak.

Yet another factor is emerging separationism. This is the view pushed openly by groups such as the ACLU, that the separation of church and state must be strict and absolute. Religious freedom then becomes freedom *from* religion instead of freedom *for* religion. Public life becomes a "religion-free zone," so that religion is considered inviolably private and public life inviolably secular. I wonder what would be on our currency now if that were a subject of discussion — I highly doubt that "In God We Trust" would pass muster. Similarly, I wonder whether the pledge of allegiance would include the phrase "one nation under God."

This view of a "religion-free zone" is a radical departure because, for the greater part of our history, America adhered closely to the framers' understanding of the First Amendment. Great leaders such as Teddy Roosevelt, Dwight Eisenhower, and Ronald Reagan, following in the framers's footsteps, continually reminded us that faith and religion are not just important to the character of our people and nation, but, also, to repeat Washington's words, "indispensable" to the preservation of our democratic institutions.

In 1917, Teddy Roosevelt wrote, "In this actual world, a churchless community where men have abandoned or scoffed at or ignored their religious needs is a community on the rapid downgrade." Nearly half a century later, Dwight

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Eisenhower said, "Without God, there can be no American form of government, nor an American way of life." And, most recently, President Reagan warned that, "if America ever ceases to be a nation under God, we will simply become a nation gone under."

It would be easy to lament the present situation. We have gone from an animating vision that safeguards religion, to one that systematically sabotages religion and undermines its revered traditions, honored place, and acknowledged importance in American society.

Ironically, far-sighted framers such as John Adams foresaw this very outcome. Looking down the years, he mused on the clear threat of future generations losing their freedom if national leaders ever came to believe that humans were no higher than animals, and that the cosmos was "without a father."

Clearly, we have reached the point where the civil rights of those who preach and practice the most radical lifestyles, or who insist that all public places be a "naked public square," trump the religious liberties of anyone who disagrees. We even have a new case where the ACLU is defending a group whose literature advocates sex between adult males and children — the same ACLU that works so hard to remove religion from our lives. We are living in an upside-down world: *Alice in Wonderland* brought to life.

A Civil Public Square

When Michael Novak, addressed the Library of Congress in 1998, he was asked, "Can an atheist be a good American?" his answer was, yes, "That has been done, many times." But, he continued, "Can American liberties survive if most of our nation is atheist? The most common, almost universal judgment of the founders was that it could not." The time has come to build a new consensus around religion's proper place in the public square. But the answer to the folly of "the naked public square" is not a reassertion of any "sacred public square" — such as the domination of Protestantism in the nineteenth century. Those of us who are Catholics or Jews know too much about that. Neither of those solutions is just or workable. Rather, let us begin moving toward a *"civil public square"* in which citizens of all faiths and none are free to enter and engage in public life within constitutional first principles and a common vision of the common good.

For example, if we are not to be an endlessly litigious people and seek all our solutions through law, we need to ask as a matter of routine what is just and free for people of all faiths. We need to rebuild a consensus in our communities based on what is just and free for people of all faiths.

That eminently achievable consensus rests upon citizens who are steeped in the strengths of their freely chosen religious beliefs, as well as the other two legs of the eternal triangle of virtue and freedom. These are people who, day-in-day-out, do their best to live responsibly, provide for their families and respect the liberties and rights of their fellow citizens.

In other words, at a time when morality and virtue are in short supply, from the very highest office in the land on down, religion must play a greater, not a lesser, role in our national life. If it does, the future for America is as bright as the framers hopes and dreams. If it does not, the consequences might be summed up in three words as familiar to the framers as to Polybius and the ancients: *decline and fall.*

The noble experiment that is America remains, by its fundamental structure, undecided from generation to generation. We the people must therefore fight to return religion to its proper and foundational place in our country as the essential companion to liberty. In so doing, we must return our country to the vision our founding fathers not only held dear, but for which they risked everything — their lives, their property, and their sacred honor.

Religious liberty is far more than just liberty for the religious. It is vital for all citizens. Putting religion back in the place the framers intended it is not just a policy item on the order of tax cuts, health care, and missile defense. It is taking care of our foundation. Religion in America is far from an inviolably private issue; essentially, it is a national issue. So, why does America need religion? It is not too much to say that *as faith goes* in America, so goes freedom. CFP

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Islam *or* Islamism?

Bin Laden's murderers are not mainline Islam; but neither are they merely a deranged fringe cult utterly foreign to Islam. Violent Islamism's long, bloody war against the West is as old as Islam itself.

Carl Pearlston

AFTER ONLY a few weeks, political correctness has obscured the nature of the terrorist threat we face. First, Reuters has dropped the term "terrorists" in favor of "alleged hijackers" in an overly-fastidious attempt not to prejudge the matter of legal guilt, as though this were a matter of crime, not war. Then, careful to not offend the sensitivities of the 6 million Muslims living in the United States, and mindful of our dependence on moderate Moslem nations in building an anti-terrorist coalition, the president has advised that we should avoid describing terrorists as "Islamic," stating "The people who did this act on America, and who may be planning further acts, are evil people. They don't represent an ideology, they don't represent a legitimate political group of people. They're flat evil." Then both the attorney general and secretary of defense solemnly told the public that the attacks had nothing to do with Islam. And when Italian Premier Berlusconi was so insensitive as to state that the values of Western civilization, with its tradition of respect for human political and religious rights, was superior to those of Islamic countries, which lack that respect, his remarks were treated with either shocked silence or righteous indignation and denunciation by his fellow Europeans.

True Islam, we are constantly being told by moderate American Moslems, means submission to God; it is a religion of peace, equality, and tolerance. Typical was Muslim doctor Al-Hazmi, quoted in the *Los Angeles Times* as saying that the September 11 attacks were "insane" crimes which have "nothing to do with any religion and it has nothing to do with Islam. The teaching of Islam is totally against violence." Another *Times* article informs that "Muslims don't proselytize," and quotes Nasreen Haroon, a Muslim who regularly speaks at churches and schools: "They [the terrorists] are not practicing Islam .... Islam is a peace-loving religion." We are also informed that the concept of *Jihad* (struggle or holy war for Allah) is really a personal war for self-mastery, having nothing to do with waging war against others. In sum, we are being told that the "alleged hijackers" were not True Muslims, but deranged and aberrant members of some fringe cult foreign to Islam.

None of these depictions correspond with the facts.

While there is no dispute that these barbarians are evil, they are not insane. They are cunning, implacable, fanatic, and ruthless. They most certainly represent a specific ideology, albeit a minority one, within Islam. It is a view that is shared by some 165 million other Muslims (of 1.2 billion) in an arc running from Lebanon through Gaza, Iraq, Iran, Pakistan, and Afghanistan to Indonesia, who are busy burning American flags and pronouncing *Jihad* against us. That ideology is Islamism, a fanatical fundamentalist revivalist movement seeking to establish a theocratic Islamic Nation over all Moslems, one nation at a time. The first was Iran in 1979, when an Islamic fundamentalist religious revolt toppled the pro-Western Shah in reaction to his "White Revolution" which allowed women to vote and hold jobs, built large cities, and created a more secular society with Western freedoms, much as Kemal At-

Carl Pearlston, a Southern California attorney specializing in alternative dispute resolution, is a board member of Toward Tradition.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

taturk had done in Turkey beginning in the 1920s. After the Shah, an Islamic Republic under the Ayatollah was created; he promptly called the United States "The Great Satan," and Western-type freedoms disappeared. Shortly thereafter, mobs seized the U.S. embassy and its staff, holding them hostage for *two years.* In 1996, Afghanistan followed a similar repressive path under the Taliban. The goal is eventually to unite all Muslim states into one Islamic Nation, ruled as an Islamic anti-democratic and totalitarian theocracy.

THIS IDEOLOGY finds expression through many organizations whose names have become all too familiar — Islamic Jihad, Al-Quaeda, Hizbollah, Hamas, Moslem Brotherhood, Abu Sayyaf, Al-Gama'a Al-Islamiya — and a host of others less well known but with similar objectives in every Moslem country. Their enemy is secular society, secular governments, and Western civilization, which they see as corrupting and destructive of Islamic values. They scorn "moderate" or secular Moslem governments such as Turkey and Egypt and even Saudi Arabia; there are active terrorist movements in all such countries seeking overthrow of the governments. They are committed Moslems, praised in mosques across the world for their devotion to Islam and to the concept of the Khilafah, a term referring to restoration of the Caliphate abolished by Attaturk in 1924 after the collapse of the Ottoman Empire, and which has been defined as total rule by Muslims all over the world in a centralized unitary state that implements the Islamic Shariah (Koranic law) and carries Islam to all people as a global ideology.

The Islam of history began in violence, was expanded in violence, and even now practices violence. Three of the first four Caliphs or Khalifah (deputy of the Prophet or leader) were murdered. The fourth was Mohammed's son-in-law Ali, whose brief rule was marked by constant civil war. The forced abdication and mysterious death of his son Hasan and the subsequent defeat and massacre of the second son Hosain and his army, led to the great schism between the Sunni traditionalists and the minority Shiites (partisans of Ali) who believe that only the familial line of Mohammed could be the ruler or Caliph. They revere Ali as a saint; the anniversary of Hosain's death is observed as a day of mourning. Politically defeated and persecuted, the Shiites became an underground movement marked by suffering and protest. They adopted an esoteric interpretation of the Koran, finding a hidden level of meaning beneath the explicit and literal meaning of the Qur'an (Koran) known only to the Imam (religious leader), who can reveal it to chosen followers. Modernly, Shiites are the majority in Iran, with large populations in Iraq, Syria, and Pakistan.

Within 100 years of Mohammed's death in 632, Muslim armies had swept across North Africa, the Middle East, and India, bloodily conquering from the Atlantic almost to the Pacific.

Within 100 years of Mohammed's death in 632 AD, Muslim armies had swept across North Africa, the Middle East, and India, bloodily conquering from the Atlantic almost to the Pacific, and into Spain and France where they were finally stopped at the Battle of Tours. At that time, the Muslim empire was the largest the world had ever known. They retained control of Spain until the 15th century, and, under the Ottoman Turks, laid siege to Vienna as late as the 17th century after the fall of Constantinople and occupation of the Balkans in the 15th and 16th centuries. This amazing military conquest arising out of Arabia over centuries was done in the name of religion. As Ibn Khaldun, the great Islamic historian of the 14th century wrote: "In the Muslim community, the holy war is a religious duty, because of the universalism of the Muslim mission and the obligation to convert everybody to Islam either by persuasion or by force."

As for tolerance toward Christians and Jews, known as "the People of the Book," Ibn Khaldun wrote "It is for them to choose between conversion to Islam, payment of the poll tax, or death." And the 14th century Imam and Islamic scholar Ibn Qayyim al-Jawziyya wrote, "... *jihad* is obligatory until the word of Allah reigns supreme, and until all are of the religion of Allah, until the religion of Allah triumphs over all religions and until they pay the poll tax while in a state of inferiority."

Those in this state of inferiority were called *dhimmis* (protected minority), and were required to wear a distinctive garb so Muslims would know not to treat them as equals. As Ibn Qyyim notes "The *dhimmis* are the most disobedient of His command and contrary to His word; consequently it befits them to be humiliated by distinguishing them from the comportment of the Muslims whom Allah has exalted through their obedience to Him and His Prophet above those that have disobeyed Him. These He has humiliated, belittled, and rendered abominable so that the sign of contempt is manifest upon them, so that they can be distinguished by their appearance." The imprisonment and trial of two American girls among eight Christians charged by

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Taliban for speaking of Christianity is typical of Islamist tolerance of other religions.

Nor is the concept of self-martyrdom or suicide killings new to Islam. In the 9th through the 12th centuries, the secret Shiite orders of the Karmathians and Assassins disposed of their enemies by ruthless murder. The Devotees were marked by unquestioning obedience and by a fanatic disregard for their own safety. Self-martyrdom was sought as a guaranteed admittance to Paradise.

Modernly, Islam is at war with Hindus in Kashmir, with Christians and animists in Sudan, with Catholics in the Philippines and Indonesia, with Coptic Christians in Egypt, with Christians in Nigeria, and of course, with Jews in Israel. As the Ayatollah Khomeini stated: "We shall export our revolution, to the whole world. Until the cry 'Allahu Akbar' resounds over the whole world. There will be struggle. There will be Jihad ... Islam is the religion of militant individuals .... Islam will be victorious in all the countries of the world, and Islam and the teachings of the Quran will prevail all over the world .... This is the duty that all Muslims must fulfill...."

Now, I assume that Muslim citizens and residents of the United States do not share these views, and are fully supportive of this nations' traditions of equality and religious and political freedom. Many, perhaps most, may have come here specifically for the freedoms that have been denied in the countries they fled. No one wishes to denigrate or insult Muslims or their religion. We must practice the tolerance that we preach and respect the rights and persons of Muslims. But so must the Muslims who are telling us how peaceful Islam is and denouncing terrorism as not part of Islam. They should be telling, not the American public, but the Arab, Iranian, Pakistani, Afghanistani, Indonesian public — all the Muslims of the world, all the Moslem countries — that to abandon the Islamic principle of peace is a desecration of their religion. That to endorse self-martyrdom or suicide bombings anywhere is a betrayal of the Koran and a defamation of Islam. American Muslims should be insisting that every Imam in every mosque in the world speak out against terrorism, mass killing, and *jihad* against our civilization as a perversion of the Islamic ideal of peace and equality. They should insist that Islam abandon its fiery rhetoric which only encourages more terrorism, and that Moslem countries cease their oppression of other religionists. When those messages are resounding around the world, then it will be time to praise Islam as peaceful. CPR

Costa

(Continued from page 17)

having been chosen Outstanding Young Republican of the Year and having been past chairman of the Sacramento County Central Committee. Every registered Republican in California should know that our Party does not always hold the moral high ground.

And Congress is no better. Dean of the GOP delegation Jerry Lewis is a big supporter of safe districts for incumbents. He is paid some $145,000 a year and eligible for a million dollar pension. Apparently that's not enough. He has hired his wife as his administrative assistant. For this, he deserves to be thrown out on his ear. However, Democrats won't be able to touch him for 10 years because of his safe seat. We need districts that are competitive so that any given district will elect a Republican or a Democrat to implement our mission of implementing the will of the people.

As long as lawmakers are allowed to craft their own districts, the districts will not be competitive and our political system will be tainted with corruption and abuse. People's Advocate is currently sponsoring an initiative to be placed on the November 2002 Ballot. If successful, it will mandate competitive districts for the 2004 elections. Contact me if you want to be a part of this effort: by e-mail, tedcosta@tedcosta.com, or call (916) 482-6175. CPR

Riordan

(Continud from page 22)

cro-management by school boards must be broken. Principals and teachers must be encouraged to take risks through innovations. They must also be willing to be held accountable. The present system is almost totally failing. Bureaucrats discourage risk and eat up much of the budgets. However, new moneys created by removing bureaucrats are not enough. We must be willing to increase the tax dollars for schools. Pulling up the ladders will not be enough to protect us from the crime, and the ultimate need for more tax dollars to take care of increasing social problems. Can we really do this without returning taxing power to local communities? History tells us no. I hope and expect Pete Wilson to provide the leadership necessary to change history.

Richard J. Riordan
Los Angeles CPR

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Taliban for speaking of Christianity is typical of Islamist tolerance of other religions.

Nor is the concept of self-martyrdom or suicide killings new to Islam. In the 9th through the 12th centuries, the secret Shiite orders of the Karmathians and Assassins disposed of their enemies by ruthless murder. The Devotees were marked by unquestioning obedience and by a fanatic disregard for their own safety. Self-martyrdom was sought as a guaranteed admittance to Paradise.

Modernly, Islam is at war with Hindus in Kashmir, with Christians and animists in Sudan, with Catholics in the Philippines and Indonesia, with Coptic Christians in Egypt, with Christians in Nigeria, and of course, with Jews in Israel. As the Ayatollah Khomeini stated: "We shall export our revolution, to the whole world. Until the cry 'Allahu Akbar' resounds over the whole world. There will be struggle. There will be Jihad ... Islam is the religion of militant individuals .... Islam will be victorious in all the countries of the world, and Islam and the teachings of the Quran will prevail all over the world .... This is the duty that all Muslims must fulfill...."

Now, I assume that Muslim citizens and residents of the United States do not share these views, and are fully supportive of this nations' traditions of equality and religious and political freedom. Many, perhaps most, may have come here specifically for the freedoms that have been denied in the countries they fled. No one wishes to denigrate or insult Muslims or their religion. We must practice the tolerance that we preach and respect the rights and persons of Muslims. But so must the Muslims who are telling us how peaceful Islam is and denouncing terrorism as not part of Islam. They should be telling, not the American public, but the Arab, Iranian, Pakistani, Afghanistani, Indonesian public — all the Muslims of the world, all the Moslem countries — that to abandon the Islamic principle of peace is a desecration of their religion. That to endorse self-martyrdom or suicide bombings anywhere is a betrayal of the Koran and a defamation of Islam. American Muslims should be insisting that every Imam in every mosque in the world speak out against terrorism, mass killing, and *jihad* against our civilization as a perversion of the Islamic ideal of peace and equality. They should insist that Islam abandon its fiery rhetoric which only encourages more terrorism, and that Moslem countries cease their oppression of other religionists. When those messages are resounding around the world, then it will be time to praise Islam as peaceful. CPR

Costa

(Continued from page 17)

having been chosen Outstanding Young Republican of the Year and having been past chairman of the Sacramento County Central Committee. Every registered Republican in California should know that our Party does not always hold the moral high ground.

And Congress is no better. Dean of the GOP delegation Jerry Lewis is a big supporter of safe districts for incumbents. He is paid some $145,000 a year and eligible for a million dollar pension. Apparently that's not enough. He has hired his wife as his administrative assistant. For this, he deserves to be thrown out on his ear. However, Democrats won't be able to touch him for 10 years because of his safe seat. We need districts that are competitive so that any given district will elect a Republican or a Democrat to implement our mission of implementing the will of the people.

As long as lawmakers are allowed to craft their own districts, the districts will not be competitive and our political system will be tainted with corruption and abuse. People's Advocate is currently sponsoring an initiative to be placed on the November 2002 Ballot. If successful, it will mandate competitive districts for the 2004 elections. Contact me if you want to be a part of this effort: by e-mail, tedcosta@tedcosta.com, or call (916) 482-6175. CPR

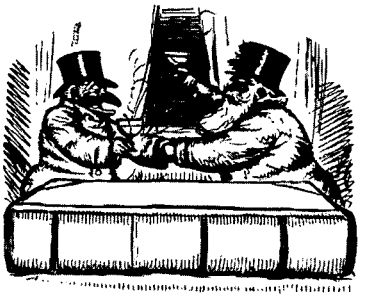
Riordan

(Continud from page 22)

cro-management by school boards must be broken. Principals and teachers must be encouraged to take risks through innovations. They must also be willing to be held accountable. The present system is almost totally failing. Bureaucrats discourage risk and eat up much of the budgets. However, new moneys created by removing bureaucrats are not enough. We must be willing to increase the tax dollars for schools. Pulling up the ladders will not be enough to protect us from the crime, and the ultimate need for more tax dollars to take care of increasing social problems. Can we really do this without returning taxing power to local communities? History tells us no. I hope and expect Pete Wilson to provide the leadership necessary to change history.

Richard J. Riordan
Los Angeles CPR

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



CRITICUS

Goodbye, Golly!

BY G.B. TENNYSON

AS DEATHS GO, the one that Criticus is about to lament doesn't stand in the league of the World Trade Center and Pentagon atrocities that have been occupying attention the past two months. No more can it quite be compared with great historical assassinations, such as Caesar's or Archduke Franz Ferdinand's. In fact, this death is not even that of a real person but rather of a symbol, a fictional character, and its murderers don't even call it a death but rather a "retirement." Nevertheless, Criticus knows exactly where he was and what he was doing at the time of the calamity. It was eight o'clock on the morning of 23 August 2001 in a room at the Galaxie Hotel in Oxford when Criticus switched on the television news and was confronted by a familiar and loved image and the newsreader's statement that that image, known as "Golly," had been dropped as the official advertising symbol of Robertson's marmalade.

Woe and lamentation. Criticus raced out to the nearby newsagent's and bought copies of all the national papers. Of course they carried the story prominently in the front section and always with illustrations, the best of these being in the *Daily Mail.* Over one of those abundant English breakfasts (large pot of tea, two eggs, chunk of Canadian bacon, baked beans on fried bread, sausages, fried tomatoes, black pudding, rack of toast, butter, and of course, marmalade, whether Robertson's or not) a mournful Criticus lost his appetite reading those baleful news reports. All told essentially the same tale, though some were better than others at relating the history of the symbol.

American readers, even Constant ones, may find all the foregoing somewhat baffling. Who and what is this Golly, you may well ask, and why should his demise be national news with pictures? Above all, what has it to do with me? Well, here's the story.

Golly is the popular, and in recent years the official, name for a golliwog, a children's nursery book figure based on American dolls from the nineteenth century. Robertson's marmalade has always claimed that such a figure was brought back from America in the first decade of the twentieth century by the son of founder James Robertson of Paisley. He, John Robertson, saw children playing with rag dolls made from discarded bits of clothing often fashioned to look like a minstrel character. In 1910 James Robertson adapted the doll to use as a promotional device for advertising his Golden Shred (orange) and Silver Shred (lem-

G.B. Tennyson is a dedicated golliwogologist (to use Walter Hooper's descriptive term) who has long contemplated writing a full-scale history of the golliwog and is now awaiting Golly's coming again to smite his detractors.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

on) marmalade. By 1928 Robertson's introduced its golliwog collectors' scheme whereby children could cut out paper golliwog "tokens" (coupons) from the wrapping on the marmalade jars to submit in exchange for golliwog brooches. The first of these showed Golly as a golfer. Over time (and long before there ever was a Barbie) Golly brooches depicted the character in every conceivable role — as doctor, skier, policeman, farmer, and countless other occupations and activities. More than twenty million Golly badges have been produced over the years, the highpoint being in the 1970s when 500,000 badges were sent out every year.

So successful was the collectors' scheme that it was expanded to include all manner of other golliwog objects, from soft toys to tea towels to dishware to aprons to sweat shirts. Moreover, many who became collectors as children continued collecting as adults, so that today there are 60,000 registered collectors, to say nothing of internet sites and international Golly organizations. There is bound to be stiff competition for the proposed final, year-end £20 Golly badge, which will be in gold and will render Golly carrying a suitcase with the year 2001 on it, his characteristic upraised left hand looking now very much like a final wave goodbye.

But why was such a popular figure discarded after ninety-one years service? Well, this being an epic story, we have begun *in medias res* (in the midst of things), as all epics are supposed to do, and we must go back to the beginning to make the whole comprehensible.

The Robertsons certainly did introduce and even more certainly market the golliwog as he is best known today. John Robertson doubtless did bring back a golliwog-type rag doll that proved the inspiration for the advertising campaign. But the invention — both in the sense of the *finding* (remember the Invention of the Cross by St. Helena) and the *creating* — of the golliwog actually occurred over a decade and a half before Robertson's took him up. It too was an Anglo-American achievement.

A mother and daughter team share the glory. Florence Upton was born of English parentage in 1873 in the United States. As a child she was given one of the rag dolls in minstrel costume that were popular in America at the time. In her teens she began work as a designer and illustrator. In 1893 the family moved back to England where Bertha Upton, Florence's mother, encouraged Florence to draw children's characters for a story for which Bertha supplied the text in verse. The result was *Two Dutch* [*i.e.,* German] *Dolls and a Golliwogg* (note the spelling), published by Longmans in 1895. This was the first appearance of the character and word. No one knows for certain where the Uptons got the word, now generally rendered as *golliwog.* It has been speculated that it was inspired by *polliwog,* another name for a tadpole and one more commonly used in America than in England. Some also suggest that it was an American variation on the diminutive *dolly,* viz., *golly,* though no reason is known for its being thus altered. Possibly *dollies* were then the standard German wooden kind, as are the dolls in the Uptons' books, so that another word seemed appropriate for soft, rag dolls. But why, then, expand it to *golliwog?* It seems more likely that the full word itself was already in use in America and was taken back to England along with the doll. We might therefore say that the Uptons didn't so much create the word as introduce it to the general public.

The Uptons' golliwog book was an immediate success. Children took to the golliwog character, who actually plays a relatively small role in the first book. But his popularity led to a series of twelve more books — the last in 1908 — in which he figures prominently and which all, like the first one, feature the name of this endearing character in the title. Thus we have *The Golliwogg's Bicycle Club, The Golliwogg's "Auto-Go-Cart," The Golliwogg in Holland,* and so on. Alas for the Uptons, they never registered the Golliwogg as a

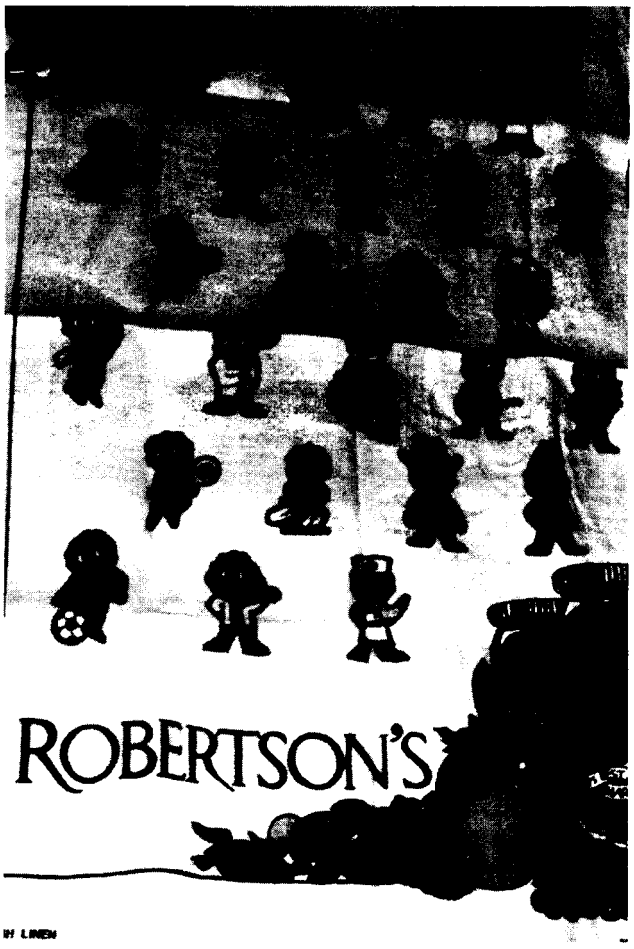
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

trademark, so he was appropriated by doll makers, by other writers, and by advertisers, most especially Robertson's.

IT OUGHT not surprise readers to learn that the child C.S. Lewis, avid reader as he was of the writings of E. Nesbit and Beatrix Potter, was clearly also a fan of the Uptons' stories because he included a golliwog as a character in the earliest known surviving work from his hand. It is a playlet that begins the "Animal Land" stories in the Boxen saga that Lewis and later his brother Warren wrote over a period of years. The surviving material from these writings was published by Walter Hooper as *Boxen: The Imaginary World of the Young C.S. Lewis* (1985). The play is titled "The King's Ring" and is believed by Hooper to have been written in early 1906 when Lewis would have been only seven years old. Among the characters is one Sir Big, described as a "frog fieldmarshel" (Lewis's boyish spelling) who has a servant named simply "Gollywog." This Golly has a very minor role, mainly to do Sir Big's bidding, so he experiences none of the adventures of the Uptons' Golly; but his very presence at this early date indicates how thoroughly the golliwog character had entered into the British nursery world.

The popularity of the Uptons' creation was demonstrated during the First World War when the original Golliwogg and the wooden dolls, the manuscripts, and the original watercolor illustrations were donated to the Red Cross and auctioned off to buy an ambulance for the war effort. Later they were given to the Prime Minister's country residence Chequers where they were on display until presented on long loan to the Museum of Childhood in Bethnal Green, London, where they presently reside, or at least did a few years ago when Criticus visited them. It is highly doubtful that Mr. Blair or any other Prime Minister will call the dolls back to Chequers.

Although C.S. Lewis never made much of his fictional golliwog and even denied that the "Animal Land" stories had any connection with his later children's fiction in the Narnian Chronicles, others were eager to capitalize on the popularity of the golliwog. I have already noted that toymakers brought forth numerous golliwog dolls, and virtually every British child until recently was sure to have one. Even the prestigious Steiff in Germany made Gollies, for the character was also popular on the continent, to the extent of inspiring a musical piece by Debussy. Still today the elegant British toymaker Merrythought is quietly producing Golly dolls for the quality market,



often as not to a theme or style of the company's own devising. Criticus came upon one called "Golly Longlegs" in Harrods a few years ago at £28, which is probably £10 less than it would be today. (The pound is running at about $1.50-$1.60.) The Uptons must be smiling, or turning, in their graves in Hampstead Cemetery.

BUT LONG before Golly went upmarket, other writers than the Uptons were not behindhand in incorporating golliwogs into their children's stories, though Criticus has no definitive list of all who did. He does remember a drawing in A.A. Milne's *When We Were Very Young* (first published 1924, though Criticus encountered a rather later edition, thank you) that shows a chair or bed with some of Christopher Robin's toys on it, one of which is clearly a golliwog. But the author other than the Uptons who made the most of the golliwog was Enid Blyton (1897-1968).

Blyton was an immensely popular and immensely prolific writer of children's books, so prolific that some believed she was actually a team of writers using a single name (which, incidentally, was true of the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Nancy Drew series). But Blyton wrote all her own stuff, explaining her literary fecundity by saying, as Criticus recalls it from memory, "I just open the sluice gates, and it all pours out." What poured out most successfully was, first, her series about the "Famous Five," a group of schoolchildren who solve mysteries and, second, her series of "Noddy" books. These latter which began appearing after World War II were about the adventures of "Little Noddy," a toy come to life in "Toyland," usually accompanied by his gnome-like friend called "Big-Ears." Blyton introduced golliwogs into the Noddy books, including a Mr. and a Mrs. Golly. Her golliwogs are often mischievous or testy with poor Noddy, rather unlike the Uptons' Golliwogg or for that matter the genial, friendly Robertson's Golly. But they are not so wicked as latter-day critics have painted them. Nevertheless, the Blyton estate has recently sold the rights to her works for which a worldwide campaign is planned, with reissues and television cartoons and all the rest. Except that the golliwogs will be excised as will Big-Ears, so as not to be upsetting to children with big ears. Where is Prince Charles when we need him?

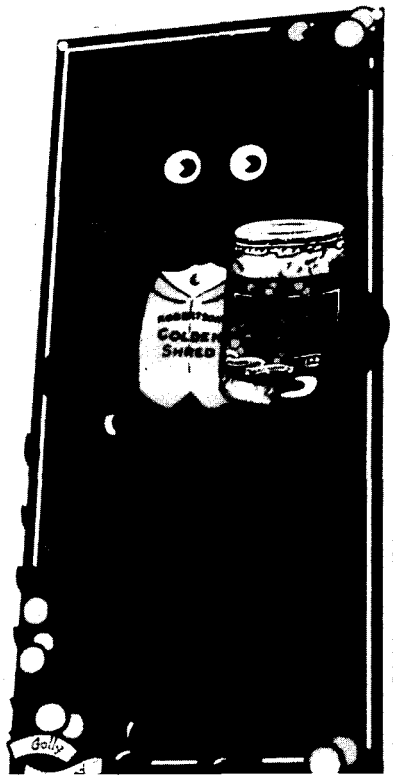
FLORENCE UPTON depicted the basic look of the golliwog with her drawings, but later illustrators modified his appearance in various ways. The first golliwog is a largish black-haired, very dark-gray-skinned figure with an oversized head, round white eyes with black dots, red mouth, and a huge shock of unruly, spiky hair. He is often dressed in a dark jacket with tails and red trousers and a red bow tie, but he appears in many other costumes in the Upton books to suit the story. Over time, however, the Robertson Golly has come to represent the defining image. His typical appearance is in a blue jacket, yellow waistcoat, red trousers and red bow tie. His hair is not wild but rounded off with low, even mounds on the top. When not in costume for one of his activities, he is typically rendered with his right hand behind his jacket and his left hand raised up as in a greeting. And he is almost always smiling.

So why should such a cheerful figure be dropped as a mascot? Well, alert readers will long since have come to the answer: *he is politically incorrect.* It all goes back to the Doleful Decade, the 1960s. It was then that the revolting classes began complaining that the golliwog was a caricature of a black person, that he was derived from slave dolls, that his full name was probably the source for, certainly a reminder of, the derogatory term *wog.* In the light of such criticism Robertson's quietly dropped the word *golliwog* from their advertisements and called their mascot simply Golly. But that did not appease the politically correct. By the 1980s the Greater London Council had banned the purchase of Robertson's marmalade in all facilities under its control. (Margaret Thatcher disbanded the Greater London Council in that same decade, but not, so far as I know, specifically because of its anti-Gollyism, but rather broadly because of its overall Loony Left policies under Ken Livingstone, who has since, Dracula-like, come back as the elected Mayor of London.) In the eighties also, Golly was removed from the front of the marmalade jar, but retained on the cap and on the token on the back. By now Criticus found himself humming the Noël Coward song "There Are Bad Times Just Around the Corner."

By the 1990s with the growth of the race relations industry, which is if anything more virulent in Britain than in the United States, there was continued criticism of Golly as racially offensive. The governmental Commission for Racial Equality reproved Robertson's several times, asking them to consult their customers as to the continued use of the symbol. Robertson's says it gets only ten letters a year complaining about the image. Another race-conscious group said the image "embodies the mythical qualities such as the love of music and rhythm, superstition, large appetites, primitive simplicity and savagery." All this from a doll designed to promote the sale of marmalade. The complainers may be saying more about their self-image than about dear little Golly.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

By the turn of this century, Golly's fate was sealed. The Robertson family had long since sold the business to a conglomerate, and in the end corporate thought prevailed, which means: do anything to avoid bad publicity. At least unlike American firms, they did not have to pay off Jesse Jackson. In fact, they offered a face-saving solution. In announcing the retirement of Golly, a company spokeswoman said that Golly was not racist and still widely loved but their research has shown that children today "are no longer interested in — or familiar with — the Golly character." Theirs was a brand that was "constantly evolving" so they decided to replace Golly with seven characters from Roald Dahl's children's books illustrated by Quentin Blake. Illustrations of some of these characters appeared in the newspapers along with the Golly ones. Criticus finds that they range from fussy to ugly. In addition, Roald Dahl himself was widely known to be a monstrously unpleasant person, and many critics deplored the strong element of cruelty in his books. But in the modern world cruelty is preferable to racism. We piously hope that these new mascots will prove to be dismal failures.



MOREOVER, THE arguments against Golly, like so much that comes out of the University of Political Correctness range from dubious to wrong. The origin of the word wog, for example, is quite simply unknown. It may indeed be a contraction of golliwog, but this is not at all certain. It is first recorded in print in 1929 and may be a shortening of the term *wogger,* meaning a non-white, itself first recorded in 1922 in James Joyce's *Ulysses.* (Take that, modernists!) Some say it was the pronunciation of the initials W.O.G., for Western Oriental Gentleman, said to have been used by East Indians in British colonial service. Others say that it is from British naval parlance for "Wily Oriental Gentleman." Yet others claim it was British army slang for Egyptian "Workers On Government Service." In any case, the primary definition of a wog is, in the words of the Oxford English Dictionary, "a vulgarly offensive name for a foreigner, especially one of Arab extraction." Also "the Arabic language." To be sure, the term has been applied variously to any non-white person, and even to any non-British foreigner, as in the famous phrase, "The wogs begin at Calais." Cultivated persons, of course, eschew the use of the term altogether, but perhaps it can be revived to apply to the Taliban.

Dictionary definitions of the golliwog define him as a doll, emphasizing his grotesqueness: "a kind of grotesque black doll" (Webster); "name invented for a black-faced grotesquely dressed (male) doll with a shock of fuzzy hair" (Oxford English Dictionary). If the anti-Golly faction had actually looked at Florence Upton's drawings in the original books they would have seen that she knew perfectly well the difference between her golliwog and human beings, black or otherwise. In *The Golliwogg's Bicycle Club* the Uptons take Golliwogg and four dolls around the world, ending up on a tropical island where they are beset by cannibals in the land of Panky-Wank. These brown-skinned, clearly human persons, possibly South Sea Islanders, possibly Africans, not only do not resemble Golliwogg, they actually intend to cook him as an edible alien. In the end, of course, the natives are placated, and they proceed to row the dolls and Golliwogg back to England.

That was certainly a different England from the current one. If there was any element of negritude in the various golliwogs that emerged from the time of the Uptons' writing, it was a benignly intended element. Even before children took Teddy bears to bed (the first Teddy dates from 1902), they were clutching their golliwogs with great affection. Now that Golly has gone to Golly Heaven, those dolls and those other symbols of his long life will become ever more valuable and ever more treasured. Meantime, be warned that the p.c. patrols, like rust, never sleep and are even now working to corrode and destroy everything, old, venerable, and loved. OFF.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A Utopia That Never Was

BY PETER HANNAFORD

A FEW YEARS ago a political consultant friend defined the arch-environmentalists' view of the world as, "Man is but a passing disaster on this planet." At the time I thought it was an exaggeration, but time proved him right and me wrong.

Clean air and water and saving the national parks are causes too tame for the feverish who aspire to find meaning in their lives through tree-, animal- and earth-goddess worship. Their objective is to turn back industrial society to a utopia that never was. In his novel, Jack Stevens, a Californian and former assistant attorney general, tells us what can happen right here in California when the ultra-Greens make common cause with the vestiges of Sixties radicalism.

In the 2006 election, a "moderate" Republican, Richard Sloan, is elected. He is a disciple of public opinion polls and sets out to capitalize on broadly popular environmental issues by installing "greens" in high-level jobs. H. Bruce Scanlan, a one-time Berkeley radical, is state Secretary of Resources. His henchman is one Dr. Timothy Cooksey, a "deep ecologist" who is into every known New Age fad, a few to which the author introduces us. They are aided by a dimwit United States senator, some quasi-fascist park rangers, and a band of eco-terrorists.

Scanlan and Cooksey conspire to thwart industrial development through bureaucratic snarls. Their assertion is that mankind has been raping Mother Earth; that it all began when humans turned away from being hunter-gatherers to settling down to agrarian ways. They see mankind as just part of the food chain, nothing more. They rhapsodize about plants and animals.

Spark's Tract

by Jack Stevens

Xlibris Corporation,

2001, 351 pages,

$19.54, paper.

Their immediate target is Will Spark, a 55-year-old petroleum geologist who wants to survey a sunken tract in the Sacramento-San Joaquin Delta for what he suspects is a huge supply of subterranean gas and perhaps oil. The story is built around the "greens'" attempt to prevent his survey. His side of the story arouses the curiosity of an influential woman columnist for a daily newspaper. His allies prove to be a rancher descended from Spanish colonialists (who also has an Irish ancestor), a Japanese-American couple, and a feisty Jewish couple from Brooklyn.

None of Stevens's characters are truly three-dimensional. All are symbols, metaphors, for ideas, philosophies, positions. In that sense they remind one of characters in Ayn Rand's novels. Like hers, his are vehicles for pursuing points of view. And, like Rand's, his characters can put forth their positions forcefully, eloquently, and persuasively. In the case of Stevens's characters, they often talk simple common sense in response to the New Age flights-of-fancy and misanthropic venom of the "greens."

WHILE THE characters are not deeply etched in a literary sense, the plot is filled with action and never slows down. This book is a page-turner. There are some surprising twists, including a mountain lion who performs a public service when it comes to the ring leader of the eco-terrorists.

If you thought the marriage of "deep ecology" and political radicalism could never happen here, Stevens reminds us through this cautionary tale that California is the land where anything can happen — including irrationality in government. CPR

Peter Hannaford's next book is Ronald Reagan and His Ranch: The Western White House, *1981-89, due to be published by Images From the Past, Inc., in February 2002.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

California Public Policy Foundation

California Political Review *Online*

Relief, at last ...

from the 'mainstream' press

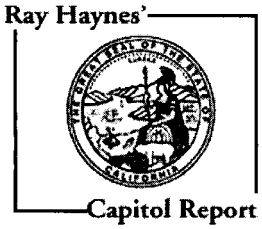
Is Sherry Bebitch Jeffe just not quite *all* you hope for in a political analyst?

Do George Skelton and Peter Schrag strike you as a *trifle* one-sided?

Does the Feast of Reason that is *Times-Bee-Chron* editorializing *sometimes* leave you snoring?

Introducing *CPR* Online Columns — Monday through Thursday

Facts, ideas, perspective ... everything that somehow eludes the *prestige* pundits



Ray Haynes
Capitol Report — *Mondays*

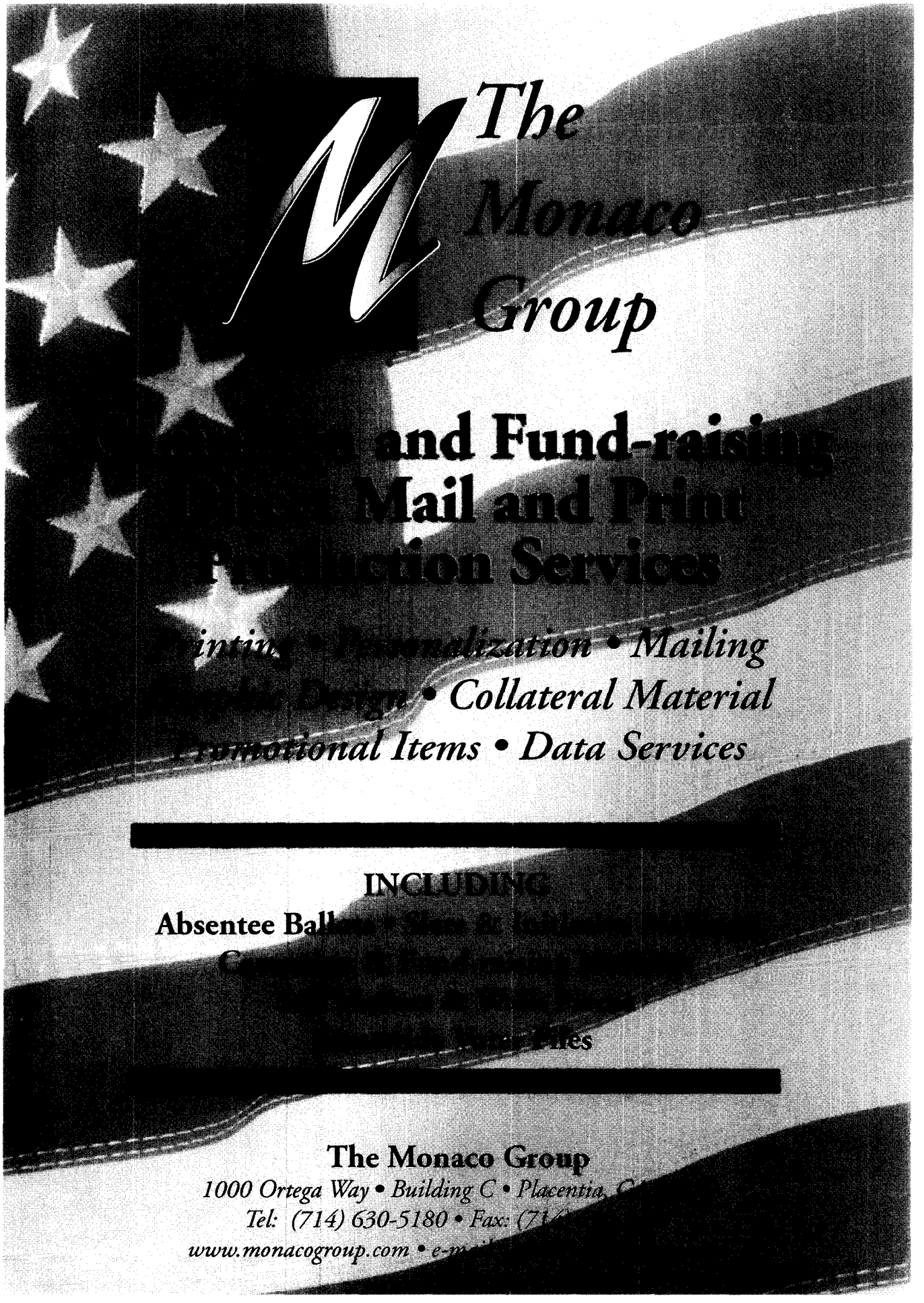
William E. Saracino
Martini Musings — *Tuesdays*

George Neumayr
Political Observations — *Wednesdays*

James Bemis
Contra Mundum— *Thursdays*

www.cppf.org

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED